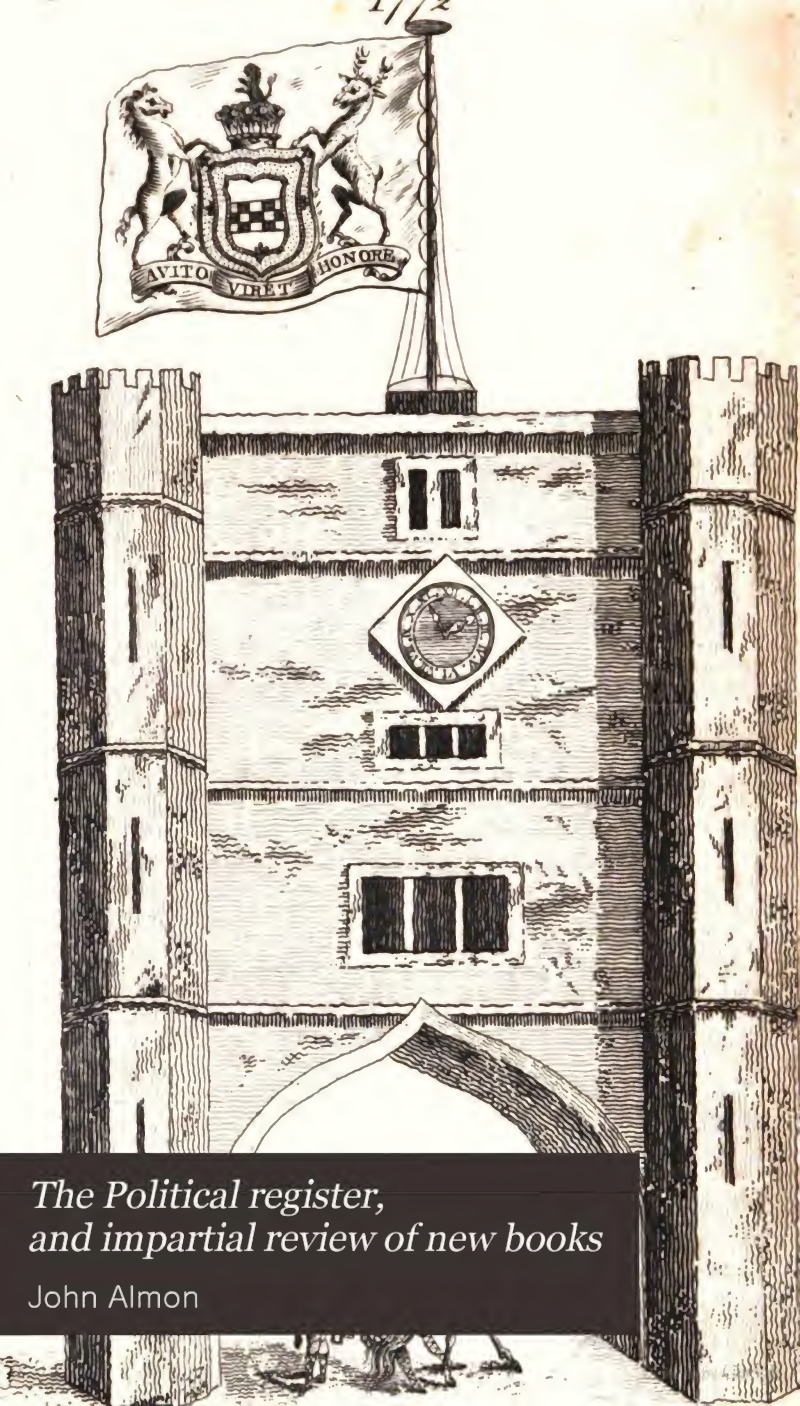


The Political register, and impartial review of new books

John Almon



George Bancroft

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Admiral Rodney before Cartagena



I with thirteen Sail attended;
Can this Spanish town affright;
Nothing has its wealth defended,
But my Orders — Not to Fight.

Hoffer's Ghoft.

THE

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AND

LIST

OF

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For M,DCC,LXXII.

VOLUME THE TENTH.

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THE

POLITICAL REGISTER.

For JANUARY, 1772.

NUMBER LIX.

To the Printer of the POLITICAL REGISTER.

SIR,

THE Jews having been detected from time to time as the chief receivers of ſtolen goods, and therefore juſtly preſumed to be encouragers of our lower people to ſuch acts of felony; having alſo been lately charged with and ſuſpected of many burglaries; and ſome of them convicted of the ſame; and as by theſe miſdeeds they are become a ſort of topic of common converſation; I judged it not amiſs to inform here your Readers *of their Hiſtory in England*, by which no diſparagement to them is meant, many honeſt, worthy men being found among them, but only to give an idea of the genius and diſpoſitions of that people, as it appears from Hiſtorical Evidence.

WE do not read any thing worth mentioning concerning the Jews in England, till the time of King John; except that they were invited into this kingdom by William the Conqueror, and came hither from Rouen in Normandy. So early as the reign of King Stephen, in 1145, they were accuſed of crucifying a young Chriſtian, in contempt of Chriſt and his religion, and were accordingly puniſhed for it. They were again proſecuted for the ſame atrocious fact at Glouceſter, in the reign of Henry II. 1160; and for a third committed at St. Edmondſbury, in 1181. More of ſuch perſecutions may have happened in other places, which

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Matthew Paris has not mentioned; and theſe he has accompanied with ſome circumſtances, which we ſhall paſs by unnoticed, becauſe more frequent inſtances of them occur in the following centuries, than the generality will be inclined to believe; though we ſhall be obliged to mention the moſt remarkable of them, as they were always, if not the true cauſe, yet at leaſt the pretence and forerunners of the moſt ſevere puniſhments inflicted on that unhappy nation.

We paſs on therefore to King John, whoſe reign was ſo troubled with inteſtine feuds, that he was forced to maintain himſelf by the hardeſt exactions; the heavieſt of which fell of courſe on the Jews in his dominions, whom he cauſed to be impriſoned, and put to moſt violent tortures, when they refuſed to pay ſuch taxes as he laid on them; and at length, we are told, he confiſcated all their effects, and baniſhed them by a public edict. Matthew Paris mentions a taxation on a Jew at Briſtol, of whom the king demanded ten thouſand marks; and who ſuffered his fleſh to be torn off his bones, and ſeven of his teeth to be drawn out, one each day, till he complied; but paid the ſum, rather than loſe the eighth.

The Jews did not fare much better under the long reign of Henry III. during which many of them choſe to turn Chriſtians, to avoid the ſeverity of his government; but, being afterwards detected, were juſtly puniſhed for their diſſimulation. This did not diſcourage that Prince from endeavouring their converſion; to promote which the more effectually, he cauſed a ſeminary to be founded for the maintenance of Jewiſh converts, and where they might live without labour or uſury; which ſoon induced great numbers of them to come into it: and that houſes we are told, ſubſiſted a conſiderable time.

The Jews of Norwich were ſome time after accuſed of having ſtolen a Chriſtian child, and of having kept him one year, in order to circumciſe and crucify him on the enſuing paſſover; but the fact being timely detected, they underwent a due puniſhment. They are charged by Matthew Paris, with having repeated the ſame crime three times in that city, with very little variation of circumſtances. On the firſt, they were brought to the King's Court at Weſtminſter, and there confeſſed the fact; for which they were only confined, and their lives left at the king's diſpoſal. The ſame accuſation was laid againſt them the following year; and four of the wealthieſt of them were hanged, and their effects confiſcated. Laſtly, they were accuſed of the ſame fact before

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fore the Biſhop, in 1230, at which time it was that the child's father found him in the Jew's houſe, after he had been loſt a whole year. The accuſed in vain appealed to the king; the biſhop maintained, that the crime, being of a religious nature was cognizable only by the Spiritual Court; upon which four of them were dragged at the tail of ſo many horſes to a gibbet, where they were put to death. So that they muſt have been very incorrigible to dare commit the ſame crime ſo many times within the ſpace of five years, and after having been ſo ſeverely puniſhed for it.

Some years after the Jews of London were indicted for the ſame crime, but with ſome difference in the manner; the child having been ſold to them by his parents, and crucified, and the fact diſcovered by ſome miraculous circumſtances not worth relating; ſo that he was canonized for a martyr, and his relics wrought ſtrange wonders. However, the murderers could not be found out; only ſome Jews having left London about that time, were ſhrewdly ſuſpected. Their whole nation was ſtill more alarmed the following year, when the ſhepherds made ſuch havock of them in Spain, France, and Germany; and they had reaſon to fear the ſtorm would fall next upon them here; to prevent which, they purchaſed an edict from the king, forbidding any one to hurt them in any of his dominions. But as that prince's miniſter was ſtill craving for more money, and they refuſed to pay it, they were accuſed of ſome murder committed in London, where, after various vexations and ſufferings, they were obliged to pay one-third of all their wealth. On this occaſion, Matthew Paris tells us of one ſingle Jew, named Aaron, who paid at different times, to extricate himſelf out of priſon, and other vexations, about 200 marks of gold, and 30,000 of ſilver. The reſt fared no better, being proſecuted ſometimes for coining falſe money, at others, for counterfeiting the king's ſeal, and ſuch like; from which they found no other way to eſcape than by bleeding frequently to the monarch, or bribing, as they did in ſeveral inſtances, their judges to be favourable to them.

The holy war, to which Henry was preſſingly invited by the Pope, proved another pretence for ſqueezing money out of his ſubjects, and eſpecially from the Jews, whom he made no ſcruple to ſtrip of all they had left. The next was the pretended Spaniſh war, to which the nobility and gentry refuſed to contribute till it was actually declared. The Jews were again called upon for new ſupplies, but being quite exhauſted, begged leave they might leave the king-

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dom for ſome more propitious country. Elias, one of their brethren, undertook to plead for them before the council; and in a pathetic ſpeech, which was accompanied with a flood of tears, repreſented the impoſſibility of their paying ſuch an exorbitant ſum as was demanded of them; and begged they might be rather baniſhed the kingdom than be thus inhumanly oppreſſed; profeſſing, that if they were to be flayed alive, they were not able to raiſe the money. He ſwooned away, or pretended to do ſo, at the concluſion; but the council, who probably gave no credit to him, obliged them to produce the greateſt part of the ſum demanded. The next year the king demanded 8000 marks of them; and upon their pleading inſolvency, ſold them to his brother Richard, who paid him that ſum for them, and would in all likelihood have made them refund it double, had he not been convinced of their real poverty ann miſery.

The Jews of Lincoln were about the ſame time accuſed of having crucified a young Chriſtian, with the following circumſtances of inhumanity: that they fed him ſome time before with milk, to make him more ſuſceptible of pain; that they convened an aſſembly of the moſt conſiderable Jews in England, to aſſiſt at his execution; that they appointed one of them to act the part of Pontius Pilate, and pronounce ſentence of death againſt him; that they cauſed him to be whipt till the blood guſhed out, to be crowned with thorns, buffetted, ſpit upon; that every one of them plunged his knife into him; that they made him drink vinegar, and crucified him by the name of Jeſus; that they pierced his heart with a ſpear, and after he was dead, took out his entrails, to uſe in their magic operations, and flung the reſt of his body into a well belonging to that houſe, where the ſorrowful mother after a long ſearch found it. One Copin, at whoſe houſe the fact was committed, not only confeſſed it before the Lord Lexington, upon promiſe of having his life ſpared, but owned it to be a uſual cuſtom among them to do ſo every year, if they could procure any ſuch children. The king, upon his coming from the north of England, being informed of all, highly blamed that nobleman for promiſing to ſpare ſuch a villain's life, and revoked his pardon; upon which Copin was dragged at a horſe's tail to the place of execution, where he was hanged in chains, or, as Trivet in his Chronicle for 1267, words it, "His body and "ſoul were made a preſent to the demons of the air." Their condition was ſtill more deſperate all the time of the league and civil wars which happened during that prince's

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reign; wherein, let which ſide ſoever get the better, they were ſure to be cruſhed by it; at leaſt we find that the leaguers ſeized on their ſynagogue at Lincoln, and from thence paſſed into the Iſle of Ely, and made dreadful havock among them. And it is likewiſe pretended that Henry III. did at length baniſh them by a perpetual edict.

This baniſhment is variouſly related by Hiſtorians, as well as the motives of it. The Jews affirmed it to have happened in the year of the world 5020 (of Chriſt 1260) which our learned Selden juſtly looked upon as a palpable miſtake, and that the former date ought to be 5050; which would be more probable, if that error had not been in more authors than one; but as it is the ſame in moſt of them, it is more likely that they have either deſignedly or inadvertently antedated the diſaſter by thirty years.

Accordingly, an inſcription was found engraved, in Hebrew letters, on a ſtone in Wincheſter gaol, where probably the Jews of that county had been confined, to this purpoſe: "The commonalty of the Jews were arreſted "and impriſoned in the year of the world 5047." So that they could not have been baniſhed either in the year of the world 5020, or of Chriſt 1260. Beſides, the leaguers being defeated by King Henry, ſeized on the ſynagogue of Lincoln above-mentioned in 1267. From which it is evident that they were ſtill in the kingdom, and had their public meetings about the latter end of that monarch's reign. We may add, that none of our Engliſh annaliſts have made any mention of the perpetual edict, but, on the contrary, obſerve that his ſon Edward I. cauſed the Jews to be impriſoned in 1287, and to be all baniſhed three years after. The annals of the Dominicans of Colmar affirm, that this happened in 1291; which is the more probable, becauſe the council that was held in London, and cauſed their baniſhment, bears date 1291.

The occaſion of the baniſhment is likewiſe variouſly related. One Jewiſh writer pretends, that they had been falſly accuſed to King Henry of counterfeiting his coin, and by thoſe very rogues who had done it; and that the proſecution was carried on with ſuch vehemence againſt them, that the king, who ſaw through it, ordered them to be baniſhed, to ſave them from a more cruel puniſhment. Another tells us, that a prieſt falling in love with a beautiful Jeweſs, and not being able to obtain her by any other means, ſubmitted himſelf to be circumciſed, and abjured Chriſtianity; which being ſoon after known, the zealots inſiſted

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that all the Jews in London ſhould be burnt alive; but that the king only cauſed thoſe to be burnt who had a hand in that fact, and baniſhed the reſt. But in neither caſe it is credible that he would, for the crime of a few private perſons, baniſh a whole nation which had ſo often filled his coffers.

A third pretends that his ſon Edward, ſeeing the country almoſt ruined by famine and peſtilence, was eaſily perſuaded that the incredulity and wickedneſs of the Jews had drawn down thoſe two dreadful puniſhments on the whole nation; upon which they were all called upon to turn Chriſtians. But that not having removed the famine, they began to aſcribe the continuation of it to the violence they had offered to their conſciences. Upon which the king ordered two pavilions to be erected near the ſea-ſide, the one with a red croſs over it, into which the ſincere proſelytes, and the other with the law of Moſes in it, into which the diſſatisfied converts were bade to repair. But many of the latter ſuſpecting ſome private deſign againſt them, forbore to go to the Moſaic booth; and well it was for them; for thoſe that did were immediately maſſacred, and their bodies flung into the ſea. In this manner Cordoro Las Excellencias, a Spaniſh Jew, has accounted for and related this affair, on the authority of other Jewiſh writers.

It is however agreed by moſt Chriſtian authors, that this edict was publiſhed againſt them about the latter end of the thirteenth century, which is farther proved by public records, found in ſome chanceries. Trivet affirms, moreover, that king Edward, who baniſhed them out of his kingdom, granted them money to tranſport them into France, and afterwards confiſcated their effects. Walſingham ſays much the ſame thing: and Polydore Virgil tells us, that this edict was enacted by a council that ſat at London in 1291, and being deſirous to 'ſever the goats from the lambs,' ordered the Jews to leave England in a few days, but with a permiſſion to take their effects with them. He adds, "that they obeyed, and that the nation, which was then very numerous in England, took their final leave of it, and ſtill removed from place to place till they all periſhed; whoſe loſs, ſays he, needs not be much regretted, provided they leave behind thoſe ſacred books, without which it would be difficult for us to preſerve our religion for the future." It is plain our author had no great belief in thoſe prophecies which aſſure us that they will be actually recalled before the end of the world. However that be, it is plain they never

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never more appeared in a body in this kingdom, from that time, till they were recalled to it, in the time of Oliver Cromwell, who thought it expedient for the carrying on of his deſigns, to employ them as ſpies in moſt parts of Europe. On that footing for private intelligence they ſtill ſtand with our government. But it may be obſerved, that the act of their expulſion is ſtill in force againſt them; for Cromwell's power, as uſurped, could never give them here a legal ſettlement, unleſs ratified by ſome ſubſequent law, which does not appear to have taken place.

For the POLITICAL REGISTER.

The two following Letters, the firſt on Card-playing, *the ſecond, on* Preaching, *are from a* Chineſe Mandarin *at London, to his* Friend *at Pekin.*

THE Engliſh partake of a more terrible diverſion than that of the Tragedies, which are repreſented on their theatres. It is called the recreation of play or gaming. This ſpectacle is exhibited in almoſt every houſe.

The ſtage is a green table; and the principal actors that do buſineſs in the ſcene with the players, are ſmall pieces of paſteboard, painted on one ſide with magic figures, which raiſe very ſurprizing commotions in them: but they do not produce the ſame effects in every one of the players: ſome they enliven with a gay and ſmiling countenance, others they deject with a gloomy and ſullen air.

The ſcene is not limited to any fixed time, but opens moſt commonly about night-fall, and cloſes about the break of day; for the acts of the pieces are ſometimes longer and ſometimes ſhorter.

The play is a ſort of ſcience that conſiſts in being happy, and this happineſs is merely a combination of chance. The main point of ſkill in the ſcience ariſes from having certain pieces of paſteboard rather than others, and it is in this preference that lies the difficulty of reſolving the problem of the play. The annals of the Britiſh monarchy mention a great number of citizens, who either hanged or drowned themſelves for not having been able to reſolve this problem.

The written law on this ſort of play may be found in a book, which almoſt all manner of perſons have by heart, without ever having read it. Beſides this printed code, there are alſo Doctors of Gaming, who decide certain points

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points which the legiſlature could not foreſee; for ſectari always ſtretch the dogma.

This play is alſo a kind of civil war, wherein almo always the weakeſt beats the ſtrongeſt, and wherein boldne is often more neceſſary than prudence; ſometimes alſo tim dity ſucceeds and courage fails. The ſpectacle is again di vided into two branches, playing for little, which make the ſcene diverting, and playing deep, which forms a ſcen of affliction. In the one, the parties may be a little out o humour, in the other they are ruined. One might be calle the comedy of the world, the other the tragedy of chance.

It is ſcarce poſſible to paint theſe ſcenes to the life. I ſhall only tell thee, that an infernal fury torments the actors in the tragic part. Some beat themſelves and tear their cloaths, others break and daſh the ſtage and ſcenery in pieces, and devour or commit to the flames thoſe very magic figures that torment them, with the moſt horrid imprecations. There are other conſequences too diſmal to mention.

EVERY nation, among Chriſtians, has its manner of preaching what they call the goſpel. Some Chriſtian preachers make of the pulpit a tragic theatre, from whence the audience are melted into tears of repentance; and others make a comic ſpectacle of it for exciting laughter.

In Scotland, the doctrine of the Kirk aſſumes ſometimes a ridiculous, ſometimes a gloomy aſpect. Anon, you ſee the congregation like Milton's death,

Grin horribly a ghaſtly ſmile!

Anon, you ſee their faces clouded with diſmal gloom! ſeldom a ray of hope, unleſs they fancy themſelves the elect and predeſtinate, can pervade their boſoms, ſo that all is commonly mental torpor, black, huge, and dire deſpair! In England, you would ſwear that the preachers and teachers of a ſect of people called the Methodiſts, are as ſo many Pythoneſſes, ſitting on tripods, waiting a divine inſpiration to deliver oracles. Like yeaſt, they fret and ferment, till the proud demon burſts forth into all the effuſions of enthuſiaſm. There are others in England, called Quakers, not ſigned with the ſign of their God on their foreheads, who, like Sybills, pretend alſo to inſpiration, and utter their oracles, as it were on detached leaves, to be blown about by the wind of the ſpirit, to reſt God knows where.—What ſhall we ſay of the preachers of the eſtabliſhed church of that king-

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kingdom? It seems as if the scene of the gospel in it, was calculated for exciting oscitancy in the congregation. The ministers that preach the gospel do this business with so cold an air, that one might safely aver they had no other design but to cherish and maintain in due proportions the lukewarm state of sinners. The morality of the pulpit with them is a mere monotony: the music of the sermon is always on the same key, and this is what dulls and flags all the senses, and dispose them to a lethargic disposition.

An able physician, who had sometimes assisted at the sermons of his parish, perceiving that these sermons, like some narcotics, made him dull and heavy, took it in his head to prescribe to his patients, who happened to be disordered by a Coma Vigil, or watchfulness, that they would assist at the preaching of the word of God once a week. This remedy was attended with so salutary an effect, that his patients, after two or three Sundays, enjoyed the sweets of a most profound and composed sleep.

Since this experiment, it stands demonstrated, that there is no opium which contains the hundredth part of the soporiferous quality of a Church of England sermon.

The Art of convincing depends on that of persuading. Conviction is a consequence of persuasion.

All know, and all are sensible, that the same words pronounced in a certain manner, produce a certain effect, and uttered in another manner produce one that is quite different. It is the tone of voice that does all. Such a speech, exciting gapings, yawnings, and nauseas, because pronounced with a frigid or languid air, would raise agitations and even transports, if heated by animated action. If one was to doubt of this truth, he need only give a little attention to what passes on the theatre, where the actors make no impression but proportionately to the fire and active spirit they animate their respective characters with. Besides reading is not preaching.

The art of speaking is so powerful over the senses, that the ancients found themselves at length obliged to shut up the tribunals where the speeches were wont to be made, to prevent the judges from being biassed in their sentiments by the orators.

The orators of the church of England-pulpits give into the contrary excess, or rather defect. Their evangelical discourses have indeed a body, but they have no soul.

It is alledged, that the word of God is of itself sufficient to declare its importance, and that has no manner of occa-

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ſion for that impulſion which is neceſſary for ſetting off oth
ſorts of ſpeeches. This I grant, and would be of the ſan
opinion, if it was preached to angels; but it is preached
men, whoſe ſenſes in order to be rouzed and moved, requi
always to be put in agitations.

For the POLITICAL REGISTER.

The Prince taught the Ways of Wiſdom. An Eaſtern Tale.

THE Kaliph Al Thell, of the race of the Gulhephaïdes, had a miniſter by the name of Pittham, a male favourite by the name of Buttan, and a female favourite by the name of Schottiah. Theſe, with his mother Gallah, governed him upon all occaſions. Not that he was warmly affected to the Vizir Pittham; for the falſe inſinuations of his favourites cauſed his brow-beating him at ſundry times for frivolous reaſons; but as Pittham was the idol of the people, a man of approved integrity and abilities, he ſtood in awe of him, and was conſtrained more through fear than love to revere his counſels. The Kaliph's peculiar character in the main verged to good intentions, but warped by the ſiniſter impreſſions of Buttan, it aſſumed an air of ſelf-will and obſtinacy, yet could give no reaſon for ſuch ſtiffneſs in opinion, for indeed his mind was weak. But as moſt princes learn more or leſs the art of diſſimulation, he could ſometimes addreſs Pittham coming out of the Divan: Thanks are too ſmall a recompence to make you a return of. The greateſt favour Mohammed can grant ſovereigns is a wiſe friend, that vouchſafes to conduct them through the immenſe labyrinth of ſtate affairs, and to carry continually before them the blazing torch of wiſdom. You ſhall be always the luminous ſtar that ſhall guide my ſteps, and you ſhall always keep them diſtant from the precipices I am often encompaſſed by. Divide with me my power, which you make my ſubjects to love, and my neighbours to fear. Let the friend of Al Thell be held in equal reſpect with himſelf.

"Adorable Schottiah, ſaid the Kaliph, whenever he entered his favourite's perfumed Alcove, it is only when I ſee you, that I can think I live: then pleaſure permeates all my ſenſes. The charms of your voice tingle delight in my ears; a glance of your eyes ſets my heart on fire; 'tis in your arms that love inebriates me with its delicious tranſports. Sovereign of my ſoul, be alſo ſo of my empire: I would have

have the leaſt deſires of your will be ſacred laws; I would have all your wiſhes accumulated; I would have all my ſubjects prompt to obey your orders, to prevent your wants, and all ready to bend the knee before her whom I adore. How I thank my ever dear Buttan for the ineſtimable bleſſings he has conferred on me, by bringing me acquainted with ſo divine an object!"

Schottiah's principal ſtudy was how to flatter the Caliph, and amuſe him with occupations quite beneath the dignity of a Prince, whoſe views ſhould be all noble, grand, and magnificent. By attending to her ſchemes, or rather thoſe of her adviſer, Buttan, his conceptions, ſuch as they were, ſeemed to become daily narrower, and by being converſant in low and little things, contracted ſuch a meanneſs, as brought upon him the odium and ridicule of not a few of his beſt friends. A mere niggard in all other reſpects, he was all profuſion to Schottiah's dependents and adherents; he had laviſhed on them immenſe treaſures; yet, as it is uſual with the paraſitical tribe, they were ever hungry, ever craving.

The wiſe Pittham, on his ſide, manifeſted the moſt vigorous exertions for making his adminiſtration conducive to the happineſs of the people and the glory of his maſter. He watchfully attended to the ſupport and execution of the laws, to the regulation of impoſts, to the progreſs of population, to the ſecurity of commerce. He protected agriculture, made arts to flouriſh, encouraged literature, cauſed religion to be reſpected. The admirable order he had eſtabliſhed in the ſtate put every part of it in motion, ſo that none of them could obſtruct others, or impede their different operations; on the contrary they were productive of mutual ſuccours, and lent each other a relative force, whence reſulted a power of unſhaken ſtability. Every ſpring was binding, every balance exact, every wheel had its proper direction. An equable and eaſy progreſſion made the movement circulate. Every thing worked inceſſantly, yet without ſtruggles, without interruption, without colliſion. The ſovereign is often nothing more than the needle that regulates and is conſulted; but the miniſter is the pivot on which the whole machine rolls.

Pittham would fain ſometimes engage the Caliph to attend to princely cares, to purſue occupations worthy of a monarch's application; but all his invitations had little more effect, than to induce him to return with more fondneſs to partake of the pleaſures and amuſements Schottiah had prepared for him. Not that theſe were in themſelves expenſive

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from an indulgence in luxurious rioting and voluptuouſneſs; but Schottiah had otherwiſe ſo many demands upon him for private gratifications, and to keep up the ſpirit of ſycophaniſm, that each day could ſum up ſomething immenſe, which inſenſibly abſorbed the better part of the revenues. The miniſter's œconomy could ſcarce repair what the two favourites, Schottiah and Buttan, laviſhed by their low and little devices of corruption, to make people connive at machinations calculated for the vileſt purpoſes.

This ſituation, which Pittham had foreſeen, but could not prevent, made his heart bleed, and that good miniſter ſuppreſſed the tears ſenſibility drew from him, that he might not afflict too much a Prince whom he loved, and whoſe heart he knew was capable of better things. He was the only one that was melancholy in the midſt of a court, where all ſeemed joyous amidſt the ſmiles of lucrative poſts and penſions; and he could not ſee, without the moſt poignant vexation the nation delivered over as it were to plunder. "What ails my dear Pittham, his maſter was ſometimes wont to ſay to him; you ſeem dejected; do the avocations of your friend give you pain? enjoy them with him, if you chooſe he ſhould have any relaxation from his troubles. I muſt indeed be pleaſed to obſerve your conſtant aſſiduity in conducting the buſineſs of my government; but ſhould not ſome bounds be put to labour? The human mind is not capable of unremitting application; I would have you ſeek ſome recreation; I fear your health will be hurt, and you ſhould know how dear you are to your maſter, whoſe heart is truly grateful. Do you deſire any vacant place? Can I create any dignity to pleaſe you? Do not your ſervices require ſome new gratification? Speak, Pittham, diſpoſe of the power, diſpoſe of whatever your friend is poſſeſſed of."

The Vizir ſighed and kept ſilence; the Caliph reiterated his inſtances. In this moment of effuſion Pittham thought he could hazard ſome reflections on the Sultan's conduct: "Your Highneſs has but too much payed the feeble ſervices your ſubject owed you, but too much have you heaped dignities and wealth on him; he has nothing more to deſire but your glory, and the happineſs of your people." "They are at your diſpoſal, dear Pittham, anſwered the Caliph, can you feel any diſquiet when you procure both?" "Ah! my Lord, ſaid Pittham, interrupting him, I am ſenſible of your confidence; I deſerved it by my zeal; but permit me to aſk you how a ſlave can procure the glory of his maſter, and how a father can depend on another for the care of his family?

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mily? His children, inſenſibly accuſtomed to kiſs only the hand that feeds them, would ſoon refuſe to know that which had abandoned them, and would fly from the ſounds of a voice become foreign to them. Let your Highneſs think of no longer refuſing yourſelf to the earneſt wiſhes of your people, and let them not be habituated to paſs without reſpect before the throne in ſeeing it always vacant. If you rule by your miniſter, ſhew that you do ſo, and let there not be a government within a government. Two affairs of the higheſt importance are to-morrow to be debated in the divan, preſide at the deciſion of them, and ſhew by the wiſdom of your judgments, that if heaven has entruſted you with ſovereign power, no other is more worthy to poſſeſs it; there are caſes wherein all the zeal of a miniſter is ſuperfluous; there is neceſſity for the weight of a ſupreme authority to make oppoſite forces to coaleſce and determine ſucceſs; it is a Coloſſus on which muſt break off all the little cabals caprice ſets counter to the public good.

Al Thell promiſed Pittham to aſſiſt next day at the divan, and the Vizir did not fail to prepare the buſineſs ſo as his maſter might have all the glory of deciſion, without any of the difficulties of deliberation. He had even given notice, that the Caliph would for the future preſide in all the aſſemblies, that each member might be more punctual in aſſiſting at them.

This good miniſter repaired the next morning to Schottiah's apartment, with whom Al Thell had paſſed the night. He was giving himſelf up to joy at the thoughts of being able to wean his maſter from her decoys, and to lead him, as it were in triumph, to the throne; but, by the embarraſſed air of his countenance, by his forced ſpeeches, by the ſervile careſſes he received from him, Pittham ſoon knew that the weak Prince had relapſed into the languors of his former indolence, and that the attraction of pleaſures he met with in Schottiah's charms was all that could touch his ſoul. The time of the divan's aſſembling now drew near; "Your ſublime Highneſs propoſes to go, ſaid the Vizir——" "No, Pittham, replied Al Thell, riſing to go and look as it were for ſomething at the other end of the chamber; but, in fact, to hide his confuſion, I cannot well go to-day; I do not find my head quite free; beſides, I have promiſed Schottiah to give her an airing on the water. Orders are given, the barges are ready; it is the fineſt weather in the world; ſo, you may think, I cannot poſſibly avoid being of the party. Go, dear friend, are you not my ſecond ſelf? Nothing hinders your deciſions,

decisions being followed; I shall approve of whatever you do."

The good Pittham bowed his head, and stepped out with tears in his eyes. He foresaw all the misfortune that could not fail of happening. His air of consternation revived those with courage, whom the Caliph's presence would have checked in their ill intentions. The ambassadors of a neighbouring Prince, who came to make some just demands, and of great moment, were dismissed without a satisfactory answer. Some bills of a strange nature, pernicious tendency, onerous and oppressive, passed in spite of the Vizir.

These were Buttan's schemes; besides which, there were some establishments admitted, imputed also to his contrivance, quite unfavourable to commerce. Whatever notions Buttan adopted, all passed by a great majority. The Caliph gave the royal assent without examination, and found every thing right that he might not have the trouble to canvass them. But the effects of such influence over administration soon appeared. The Prince, whose ambassadors received no satisfaction, declared war. The inhabitants of the country, groaning under the load of taxes, left their fields uncultivated. Manufactures fell, for want of being protected. A spiritless and unactive disposition engrossed all states; usury and monopolies were introduced; fraud took place of honest industry, and all manner of evils came in at once, succeeded by all manner of vices, which are always the fruits of bad government.

There was notwithstanding a necessity for warding off the greatest evil, for the enemy advanced. Pittham, who was not a less good warrior than excellent minister, was put at the head of the troops, who demanded him for their General. He made good the confidence they had placed in him, and so conducted matters, that without drawing a sword, he engaged the enemy in defiles, which they could never have extricated themselves from, and the want of ammunition and provisions must soon have obliged them to receive the capitulation Pittham had in contemplation to grant them, when very alarming news was dispatched to him from the capital. All was there in confusion. Al Thell, not daring to decide any thing of himself, had suffered himself to be biassed by the bad councils of his favourites Buttan and Schottiah.

Pittham's presence could alone replace matters in their proper order, but it was necessary in the army. If he quitted his post, he lost all the fruits of his operations. Yet, as Al Thell had more talents for war than administration, having

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been fond at leaſt of aſſiſting at mock fights and ſham battles, and as he was well enough beloved by the ſoldiery, whom he had often obliged by his largeſſes, the miniſter came to a reſolution, in ſo preſſing a perplexity, to deſire the Caliph would put himſelf at the head of his troops, whilſt himſelf was buſy in pacifying the interior troubles of the kingdom. There was nothing beſides to riſque by leaving the command to Al Thell, who had no other operations to concert but to keep the enemy blocked up in the poſition he found them, and to wait their ſurrendering at diſcretion, which muſt ſoon have happened.

The good Vizir rejoiced alſo in the bottom of his heart, that he had put it in his maſter's power to reap all the honour of that campaign. After leaving all neceſſary inſtructions with him, Pittham ſet out for the capital, where ſcarcity and inteſtine commotions had rather more prevailed ſince the Caliph's departure. The preſence of Pittham was as that of an angel from heaven; he was received by the people with a joy equal to the ardour with which his coming was wiſhed for. In all diſeaſes confidence is the firſt phyſician, as hope is the firſt remedy. Every thing was believed to be repaired as ſoon as the Vizir appeared. In fact, his penetration ſet aſide the embarraſſment that ſtopped the circulation of money, and he ſearched to the bottom, and found remedies againſt the enterprizes that cauſed a ſcarcity of proviſions of all ſorts. In a few days there was a proſpect of all matters coming into their accuſtomed order. The heart of the good miniſter began to find itſelf eaſed by the thoughts of having relieved his maſter's ſubjects from oppreſſion. Nothing was wanting to his entire ſatisfaction, but rejoining, and finding him triumphant. He hoped that the firſt ſucceſs would engage him to deſerve others, and that he might one day come to a reſolution of being really a King. He therefore departed, but was aſtoniſhed to meet no courier on his route coming to him with intelligence of the capitulation of the enemy; but his ſurpriſe was much greater, when, arriving at the advanced guards of the army, he was informed that the Caliph was made priſoner. Three times the ſame thing was told him at the different poſts through which he paſſed, and conſternation ſoon took place of aſtoniſhment. At length arriving at the camp, he learned that the favourite Schottiah, who would not leave the Caliph out, had accompanied him to the camp, and that there, a whim taking her of entertaining the general officers, inſtead of the head quarters, the moſt commodious and ſecure place, ſhe choſe for this feſtivity an eminence at a good diſtance, be-

cauſe more pleaſurable, as being inumbrated with fa trees.

The enemy, informed of this arrangement, did not fai ſending a detachment of light-armed Arabs, who, by favou of the ſhade of the trees, got unſeen to the place of rendez vous, and profiting of the tumult of the feaſt, ſeized an carried off the favourite Schottiah, who had the indiſcretion to go from her company to viſit a grove, which appeared t her charming. Immediately the alarm was given, the Caliph ran to deliver her, and fell himſelf into an ambuſcade, which his inexperience had not permitted him to foreſee.

Pittham found all the brave men in the army ready to force the enemy in their intrenchments, in order to recover their maſter. It was again neceſſary to curb their youthful impetuoſity, as they muſt have met with deſtruction, without being able to deliver the Caliph. Pittham obſerved to them, that if they ſhould once get into the defiles, they would be all killed without being in a condition to defend themſelves; that the misfortune which had happened to their maſter, to whom he was not leſs attached than they were, made no alteration in the ſituation of the enemies, who ſhould ſtill be obliged to ſurrender; and that it was expedient to content themſelves with propoſing the Caliph's ranſom; beſides, being conſiderable, it was the more willingly accepted, becauſe the enemy were apprehenſive of his perceiving the wretched ſtate they were reduced to, and they contented themſelves with keeping the favourite to facilitate a negociation, which they ſaw they would ſoon have an occaſion for.

Al Thell's confuſion was equal to Pittham's joy. When he ſaw himſelf in the arms of his good Vizir, he expreſſed all the moſt feeling emotions of gratitude for him, and promiſed him, in the moſt peremptory manner, of abiding only by his councils, and of paying the greateſt deference to whatever his wiſdom ſhould require of him for the future. Pittham might have truſted to theſe proteſtations of the Caliph, ſo long as they appeared ſincere; for he knew that diſaſters make people docile and tractable: but Al Thell added immediately the moſt preſſing inſtances that his dear Pittham might find means for ranſoming alſo his beloved Schottiah. The Vizir, who expected this motion, did not pretend to oppoſe it, and promiſed all that his zeal could ſuggeſt to him, earneſtly intreating the Caliph not to loſe by his impatience the advantage he had over the enemy. In fact, at the expiration of a few days, they ſent to propoſe an exchange in proviſions for the ranſom they had received for the Caliph, and likewiſe

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to add to it that of his favourite. The Vizir obtained, not without difficulty, that this demand ſhould not be complied with. He had no reaſon to repent perſiſting in his refuſal; for the enemy were obliged to return for terms of capitulation, and at length to ſurrender at diſcretion. Al Thell was going to reap the fruits of his miniſter's wiſdom, and to receive the reward of his complaiſance in the arms of Schottiah; but how great was his grief when he was aſſured that his favourite Schottiah, one whom he had careſſed ſo much, and had been ſo bountiful to, had refuſed to return to him, had quite deſerted him, and choſe to remain in the poſſeſſion of her new lover. This loſs was at firſt more ſenſibly felt by the Caliph than that of his liberty had been; but a little diſguſt mingling with Pittham's ſoothing conſolations, Al Thell ſincerely endeavoured to liſten to the advice of that incomparable friend.

Misfortune is the beſt leſſon for Kings. Al Thell would fain at firſt apply himſelf to the moſt difficult affairs of government; but the want of experience made him commit as many faults, as form projects. If Pittham but left him to himſelf for an inſtant, every ſtep he took was a heavy fall. He was the dupe of the flatteries of courtiers; the victim of the ambitious; each inſtant threw in his way ſome inconveniency which he had not ſo much as thought of, ſome difficulty which had not occurred to him, ſome diſgrace he had not foreſeen.

"What then muſt I do, ſaid he to Pittham? All my beſt laid ſchemes meet with obſtacles, my judgments with contradictions, my benefactions with ingratitude. With a ſincere deſire of doing good, I accumulate nothing but faults; the means I wiſh to adopt for procuring the happineſs of my ſubjects, produce quite the reverſe. I am exceedingly unhappy! I wiſh it had been rather my lot to have been born in the poor man's hut, than to ſee myſelf on the throne, to live there perpetually in the pains I feel. Dear Pittham, comfort me; teach me why I fall into ſo many errors, even following your principles. I beg it as a favour you would not abandon me."

"My Lord, anſwered the good Vizir, I have but a few words to ſay to your ſublime Highneſs. With an unfeigned reſolution of doing good, of not ſeparating your intereſt from that of your people, you will be able to effect mighty matters. You muſt diveſt yourſelf of ſelf-love and ſelf-ſufficiency. You muſt accuſtom yourſelf to hear the words of truth; you will never hear them from the ſycophant; his intereſt

is to be always a lyar. You must weigh every thing in your mind according to the dictates of reason, and never through prejudice or passion. Seek out in every corner of your kingdom for men of integrity and abilities; hearken to their advice, and you and your subjects will be happy."

"My dear friend, cried the Sultan, taking Pittham into his arms, you are surely the virtuous sage that shall from henceforth teach me the happiness of those who breathe life under my laws." Pittham was going to bow on his knees in sign of obedience, but the Caliph still kept him embraced in his arms, and they did not quit that situation but to go and concert the most effectual measures for accomplishing the happiness of the people, whose hearts Al Thell ever after did gladden with blessings.

For the POLITICAL REGISTER.

ANECDOTES.

SOME years since the son of Booz de Paiba, a celebrated Jew, was on the point of marrying a young christian lady. His father made no objection to the intended wife's religion, but was greatly dissatisfied with the match on account of her small fortune, in consequence of which he refused his consent. The son, who was desperately in love, threatened the father that he would marry her without his consent; and the father, in his turn, threatened that he would not give him a shilling. The young Jew answered, that he would force him to it, and that if he refused to divide with him his substance, he should get himself baptized to enjoy the benefit of the English law, which assigns and gives to a Jew-child, becoming christian, the half of his father's wealth. Poor Booz was confounded at this answer; he went to consult the late Harry Fielding for his advice, and to know if such a law really existed. Fielding told him, that it did exist, and was in full force; but, added he, if you have a mind to make me a present of ten guineas, I will put you in a way to frustrate the hopes of your son, and the ungrateful rascal will not be able to shew cause to get a single farthing from you. These words spread joy and consolation through Booz's heart, he instantly reckoned down the ten guineas, and begged our barrister not to keep him long in suspense. "No, no; this moment my advice shall direct you what to do in the case, said Fielding, putting

putting the guineas in his pocket, you need only become a Chriſtian yourſelf, and the law will give nothing to your ſon."

THERE was at Rome, in the reign of the Emperor Galba, a famous flute-player, by the name of Canus. That Prince having one day taken pleaſure in hearing this muſician, took out of his purſe five denarii, as a gratification for his performance. This pitiful reward ſurpriſed Canus, and brings to mind a like behaviour of Nourſhirvan, King of Perſia, ſurnamed the Juſt. When ſtill but Prince of the province of Khoraſan, he loved pleaſures, and lived in ſplendour, and diffuſed his wealth about him and afar. The moſt excellent ſingers, the moſt able players on muſical inſtruments came to requeſt his giving them a hearing, and they were enriched when Nourſhirvan had heard them. He had ſcarce aſcended the throne, when they repaired to him from all parts of the earth. He took great pleaſure in their concerts, but was much more ſparing in his rewards than when he was only Prince of Khoraſan, and a ſubject of the King of Kings. One of the muſicians having preſumed to complain to himſelf, he made him this anſwer: "Formerly I gave away my own money, now I give away that of my people."

DURING the uſurpation of Oliver Cromwell, Sir John Hawkeſworth, of Surry, one of the Protector's officers, and conſequently ſtrongly attached to his party, had an action brought againſt him by the parſon of his pariſh, on account of tythes and other dues. The ſuit ſtill depending, Sir John imagined that the miniſter pointed him out in his ſermons every Sunday. He complained of it to the Protector, who gave orders for the miniſter's appearing before him to anſwer the charge. The parſon alledged in his defence, that he had only preached in general againſt extortioners, fornicators, drunkards, liars, thieves, and robbers. Cromwell diſmiſſing him, and turning to the officer, ſaid: "Sir John, go quietly home, and live for the future on more amicable terms with your parſon. The word of God, like a two-edged ſword, pierces the very marrow of the bones, and probes about the inmoſt receſſes of the heart: it ſeeks after the ſinner, and unveils his iniquities; I am ſorry, for your ſake, that it has found you out."

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THE celebrated Biſhop Burnet dined once by invitation with the Earl of Uxbridge. That Lord was a man of knowledge and excellent parts, but his lively and romantic imagination often hurt the truth of his narrative; he had a thouſand facts to relate, and the moſt probable among them appeared incredible in his mouth. The Prelate, in the courſe of the converſation, found an opportunity to obſerve, that all men have their hobby-horſe, their predominant paſſion; one loves wine, another play, a third women, a fourth money, and "for my part, added he, I cannot help ſaying that my inclination is for lying." "I really believe ſo, replied the Earl, who found himſelf aimed at, and therefore you was the fitteſt man in the world to write the Hiſtory of your Time."

To the Editor of the Political Regiſter.

Letters from L— B——, examined.

SIR,

MINE eye has run over two octavo volumes called, *The Hiſtory of England, in a Series of Letters from a Nobleman to his Son.* For ſome time I found it difficult to gueſs at the ſpirit and deſign of the author. But anon, ſuch ſtrictures were diſcovered in his giving the great character of James I. as were ſufficient to determine him a Scotch Jacobite; and, in all probability, one of the family of Stuart, too well known by the title of E— of B—.—He has, it muſt be owned, concealed himſelf as much as he was able; yet we are favoured with *veſtigia*, ſufficient to learn what truly is his political complexion.

His ignorance of the diſtinction of religious ſects in South-Britain, is very notorious; for when ſpeaking of *Preſbyterians* and *Independents*, as to their difference from the church of England, he ſays of the *Independents*, "that their chief difference lay in acknowledging no ſubordination in ſecular employments; and attempting to maintain an ideal equality, to which they juſtly obſerved that every man was born." Now it is univerſally known that this is not the character of the Independents, but of the *Levellers*; a faction which aroſe in the army, and of whom even *Oliver Cromwell* himſelf was afraid, whereas he was in high eſteem with the Independents. Our Hiſtorian might have been much better informed in this article, by a judicious note of *Tindal's* in Rapin, Vol. II. p. 514. folio edit.—altogether as groſs a miſtake has he committed

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mitted, with reſpect to a fact ſo late, as in the reign of Queen Anne, year 1712; for he thus reports, under fallacious terms, the publication of Dr. Samuel Clarke's, viz. his *Scripture doctrine of the Trinity*,—"a book, ſays he, written by Dr. Samuel Clarke in favour of Socinianiſm."—Which flagrant error convinces me, that the author of this hiſtory is a Scot, very ignorant in Engliſh matters; who might have had much better information from any intelligent Engliſh Clergyman: for, in truth, Dr. Clarke had no more deſign to favour of Socinianiſm by that book, than he had to favour Mahometaniſm. So much for our author's glaring ignorance.

As to his high church or popiſh principles, we may make a ſhrewd gueſs at them by the great encomium he has beſtowed upon Abp. *Laud:* and by the favourable repreſentation made by him of that traitor, Dr. Atterbury, Biſhop of Rocheſter. Nor has he ſcrupled expreſsly to tell us, "*To declaim againſt popery*, was THE VOICE OF FACTION in the reign of James I. and alſo in that of Charles I."—and when the glorious Ruſſel and Sidney are mentioned by him, he ſays, "Ruſſel and Sidney were condemned by L. Howard's evidence, and *died with that intrepidity which was worthy a better cauſe.*"—Had his pen been proteſtant, or had he underſtood what love of civil and religious liberty could mean, he would have known, that, as true patriots, it was not poſſible they could have died in a better cauſe; they fell the victims of the moſt diabolical popiſh rage.

The contempt he has thrown on our glorious deliverer William III. and upon the revolution, are a violent preſumptive evidence that this ſhort hiſtory was written by the Earl of B—, for when he ſpeaks of *Father Peters**, confeſſor to James II. he moſt ſlanderouſly ſays, "ſome hiſtorians have even accuſed him of being the creature of the Prince of Orange, the King's ſon in law, who had long ſince conceived hopes of ſeizing the crown." This is a very curious ſample of Jacobite impudence; and, for ought I know, may have been taken from the hiſtory wrote by F. Orleans: our hiſtory provided by L—d B—e for his royal pupil. He farther wickedly ſays of that illuſtrious prince, "that all his actions were levelled at power, while his diſcourſe *never betrayed the wiſhes of his heart.*"—This is worthy of the Thane. *Heaven grant due vengeance may follow this aſſaſſin.*

A further proof offers itſelf from the reſpectable character which he gives to the Jacobite miniſtry, as makers of the

* Whom he once calls, HUGH PETERS. p. 80.

peace

peace of UTRECHT. "Thus it appears, says he, that the Engliſh miniſtry DID JUSTICE TO ALL THE WORLD: but their country refuſed it to them: they were branded with all the terms of infamy and reproach by the *whig-party*, and accuſed of having given up the privileges and rights which England had to expect."

And the artful Scot finiſhes with the peace of *Paris*, which was wholly under his own direction; and of which he made his boaſt in the Houſe of Lords. Nevertheleſs, though the director of the peace, here is not one ſingle word dropt about him, in this ſignal event, which muſt have been, had the hiſtory been written by any other pen, and not under his own eye. But how deluſive is this ſorcerer, who manifeſtly wrote his hiſtory chiefly for the opportunity of thus declaiming behind the curtain, upon that infamous peace;—"The diſcontents, ſays he, which many have expreſſed at the concluſion of the late peace, that WE did not inſiſt upon *harder* terms, and increaſe our poſſeſſions, were ill founded: ſince it is probable we are already poſſeſſed of more than government can manage. There is ever a certain extent of empire, which politics are able to weild; beyond this, her magnificence is but empty pomp, and her ſize but ſickly corpulence."

But what has this to do, with a peace made under the umpirage of a prince claimant of the Britiſh crown† ? what has it to do with delivering up Guadalope, Martinico, and the Havannah? and with allowing a conquered enemy, to write his own terms?

There is reaſon to believe this Jacobite-hiſtory is artfully and *gratiſly* too put into families, and into private hands, in order to render the peſtilential poiſon epidemical. The execrable myrmidons of the Thane are every where buſily employed, in corrupting the minds of the people; and diſpoſing Britons for a ſubmiſſion to tyranny and oppreſſion‡—aſſuredly it muſt become the ſincere friends of liberty to be watchful againſt ſo ſubtle a fiend, and helliſh an enemy, for, in proportion, as he is ſuppoſed to influence the king, (whoſe eyes may the Lord open!) we can truly calculate the degree of danger we are in, of ſubverſion.

Upon the whole, if the cauſe of civil and religious liberty can be protected and nouriſhed by Tories, or by Jacobites and papiſts, we cannot poſſibly have any idea of liberty that

† The K. of Sardinia, who entered his proteſt againſt the coronation of Geo. III.

‡ It is impudently aſcribed to *Lord Littelton*.

conſiſts

conſiſts either with reaſon, nature, or the experience of mankind, or, if ſuch high notions of prerogative, as have animated the breaſts of all the Scotch family of the Stuarts, can harmonize with the ſpirit of the laws, or with the genius of a Britiſh free people, then we might with this hiſtorian, reckon it an hard meaſure to cut off inſurgents, whoſe aim manifeſtly was, to reſtore the Houſe of Stuart, give the utmoſt ſcope of operation and influence to kingly-prerogative: and then, indeed, we might look upon the whole crew of defenders of deſpotiſm, as the only gallant and brave men we have on record; and bitterly lament over their miſcarriage! in conſequence, we ſhould conſider all advocates of the rights of the people, as erroneous in their oppoſition to the advocates of arbitrary power.

But when all kinds of evidences do proclaim, that our laws and liberties never have been, nor ever can be ſafe in the hands of Tories, Jacobites and Papiſts, we muſt look upon the deſign of this hiſtorian with the utmoſt indignation.—For what if that deſpicable pimp of prerogative, the pitiful penſioner *Samuel Johnſon*, has, in his Dictionary, thus defined a *Tory*, *viz.* "that he is one who adheres to the ancient Britiſh conſtitution of the ſtate, and the apoſtolical hierarchy of the church of England, oppoſed to a whig." Yet, this ſame pander of power, is as little able to ſhew, that a Tory is any more an adherent to the ancient conſtitution, conſidered as free from tyranny, than he is to ſhew, that the *hierarchy* of the church of England has any thing, at all in it, apoſtolical. The depraved wretch has, however, by his tory-principles feathered his neſt, or made his bed ſoft and eaſy under a tory-adminiſtration.

AN HATER OF TORYISM.

To his Grace the DUKE *of* GRAFTON.

ONCE more, my Lord, accept the accuſtomed homage; an homage you have ſucceſsfully laboured to deſerve, and which the impartial juſtice of Junius never has refuſed you. You will not ſay that theſe addreſſes are diſagreeable to you; you will not deny that you have ever liſtened to their peruſal, with geſtures expreſſive of the moſt contemptuous ſatisfaction; that you have continually propoſed them, as proper ſubjects of mirth for the ſycophants that ſurround you; and that they are become marvelloufly aſſiſtant in the entertainment of your acquaintance.—Return thanks to the powers above, that your Grace's character ſupplies *an inexhauſtible fund of humour*; return thanks to the hand that hath ſo liberally

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rally assisted you in the enjoyment of their bounties; and among the constant purveyors of your convivial pleasures, rank foremost—Junius. To the generality of the wretched instruments of arbitrary power the titles of traitors to their country, of deserters of their king, would convey no satisfaction. They would curse the hand that attempted to unveil the black series of their transactions, and be happy when the memory of their crimes should be forgotten.—The Duke of Grafton is no common villain—To him the cries of his injured country, the imprecations of a people, whose dearest rights he has laboured to destroy, are but as the amusements of an idle hour, as ingredients necessary to the enjoyment of a jovial evening. He prides himself in the palm of meanness, and is pleased in being distinguished as the first of traitors. The miscreant tribe that attend and participate his crimes, maintain a listless neutrality in the œconomy of their features, unknowing what character to assume. They are incapable, my Lord, of conceiving you in earnest when you glory that your villainies are known to those your villainies have injured, and smile exulting over the page that records the history of your oppressions. When you bid them ridicule the miseries of their country, and divert themselves with the accusations of its defenders—Accusations whose justice you will not attempt to controvert, for you are conscious they cannot be refuted—the unprejudiced part of mankind almost doubt the possible existence of this phœnomenon of vice and folly, this equivocal complication of meanness and insensibility. The companions of your former fame look with amazement on this last stretch of excellence—EvenFox and Rigby own you have outdone them.

Let me confess myself unfeignedly grieved, that affairs of more importance now demand my attention: let me hope your Grace's candid allowance, should I for the future be less assiduously frequent in my applications to you, than I have been. The unhappy spirit of inactivity and disunion, at present so fatally prevalent among the friends of liberty, calls for every effort of every well-wisher to his country; and I am driven to consume in vigorous attempts to impede the progress of this growing malady, those hours of business I would chearfully dedicate to your Grace's entertainment.—Yet I cannot take my leave of you, while even the least considerate of my countrymen think themselves justified in imagining I have treated you unfairly.—And as among the numerous, and important charges I have offered to the public, the last, and least significant, has met with the most violent, and continued

ed oppoſition, permit me to return to the affair of Whittlebury foreſt.

Various, trifling, and inconſiſtent, are the apologies your Grace's conduct has occaſioned—I will expoſe them in order to the impartial eye of the public, conſcious that their appearance will be their beſt confutation. I will reſt it with my fellow citizens to determine, with what degree of juſtice, their authors have aſſerted, that Junius has been convicted of premeditated falſehood, or his moſt material accuſations proved palpably erroneous.

A part of your ingenious defendants declaim with vehemence againſt the invaſion of your hereditary right to the underwood.—They inform us that you have *meritoriouſly* poſtponed the repairs of our navy, and the moſt conſequential intereſts of your country, to the preſervation of—a few *nut-buſhes!*—They aſſure us, that your remiſſneſs in forwarding manœuvres, concerted for the advantage of the former, proceeded entirely from your fears of the *temporary* inconvenience the latter might ſuſtain. Muſt we accept this, as an apology for your behaviour? Will you, my Lord, conſider theſe men as your friends, who in their defence of your conduct, aſcribe to you more folly, more meanneſs and depravity, than the accuſations of Junius every ſuppoſed you poſſeſſed of? We are informed from another hand, "that the preſervation of the ſuc-"ceſſion of young trees is a great national concern." We aſſent to the juſtice of this obſervation; but it has not as yet been proved, in what manner by the execution of the ſurveyor's warrant, this ſucceſſion would have been endangered.—For ſurely theſe men will not attempt to perſuade us, that a ſufficient number of plants could not have been with eaſe removed from beneath the falling trees, without occaſioning the deſtruction even of the *buſhes*, your Grace appears ſo ſolicitous to preſerve. But Philalethes tells us, your Grace is become of a ſudden uncommonly charitable; and that your tender anxiety for the intereſts of the poor was the real reaſon of your conduct.—He inſiſts, that by the felling of the timber, the poor would loſe their right of commonage. Muſt we take Philalethes's word for this aſſertion, or may we beg a proof? For ſurely to vulgar apprehenſions it would appear that if the young trees are tranſplanted, the underwood need not be lopped, nor of conſequence the coppices be fenced in. The cattle of the poor would find little inconvenience in being obliged to feed upon the reſt of the foreſt, during the felling of the trees; your Grace's new-born charity would not be

pained by the damages they might ſuſtain, and in the end, your—*nut buſhes* would be the only ſufferers.

To the ſame hand we are indebted for another piece of intelligence—That the bark, which is a material article in May, is in July and Auguſt abſolutely worthleſs. Let us agree with him that the difference of the ſeaſons would create ſome difference in the value of this commodity; let us even ſuppoſe that by this proceeding the profits of this *material* article would be entirely loſt.—Is no regard then to be paid to the preſſing diſtreſſes of the Britiſh navy? Is it of no conſequence that thoſe bulwarks on whom our ſafety againſt foreign invaſions alone depends, ſhould not remain another year in their preſent ruinous condition? Philalethes's maxim is of more univerſal import than he himſelf ſeems to be aware of.—It affects not only the plantations in diſpute, but every Royal foreſt in the kingdom. If a trifling difference in the value of the bark, or even the entire loſs of that commodity, muſt be conſidered as of ſuch ridiculous importance, till the return of the ſeaſon no timber throughout England can be felled. And whilſt the naval ſtrength of our natural enemies is, by their induſtry, continually increaſing, our coaſts muſt become every day more and more defenceleſs. He tells us the Lords of the Treaſury iſſued not the warrant without expecting that due regard would be paid to the circumſtances attendant on its execution.—Does he by this mean to inſiſt, that moved by juſt repreſentations of the ruinous condition of the Engliſh navy, they iſſued a warrant *requiring immediate execution*, with an intention, that if it ſhould prove agreeable to the Duke of Grafton, the trees might be felled in another year?—Surely I may be excuſed in calling this reaſoning trifling, and inconcluſive; ſurely this ludicrous parade of impolitic œconomy, is but a lame apology for your Grace's conduct.

The remainder of your partiſans ſeem conſcious of the weakneſs of theſe arguments, and reſt all hopes of palliation, or excuſe, upon a different ground; to which, as it is the only plea in your Grace's favour I have not already conſidered, I ſhall now proceed.

We are aſſured by theſe men, that the inſolence of the Deputy was the ſole cauſe of your extraordinary behaviour—That not the warrant itſelf, but ſome trivial circumſtances attending its execution, were the objects of your reſentment. If we even ſuppoſe that to be the caſe, if we allow you to have ſome plea for wreaking your vengeance on the man, whoſe impoliteneſs had diſpleaſed you, why was it not confined to him? In what had your country offended you, that the oaks ſtill

keep

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keep their ground, and its naval ſtrength ſtill remains decaying, and unrepaired? When the unhappy victim of your malice had ſeverely ſuffered, under pretence of a different miſdemeanor, for an *imaginary* offence to you, why were not the orders he received carried with more decorum into execution? —Conſidering your boaſted cares for the welfare of your country, conſidering the place you hold in the confidence of your *reſpected* ſovereign, had every one elſe declined aſſiſting in the execution of a warrant ſo neceſſary, we could not ſure have expected it of you! What but your own intereſt rendering you deaf, and inſenſible to every call of virtue or of honour; what but the preciſe truth of the circumſtances Junius has related, could be the cauſe of this extraordinary delay?

To ſay after this, that the arguments in your Grace's favour are abſurd, inconſiſtent, and improbable, would be unneceſſary. It would be but to anticipate the unavoidable concluſions of every friend of candour, of every well-wiſher to his country. But to remove all poſſibility of ſubterfuge and evaſion, to preclude every poſſible impeachment of my candour and impartiality,—let us for once ſuppoſe them granted in their full force; let us ſuppoſe premeditated malice a palliation of injuſtice, and ludicrous attempts after ratiocination, ſufficient apologies for your Grace's *wary tardineſs* in the ſervice of your country. What is it they will prove? That there were ſome minute particulars, with which it was impoſſible for Junius to be acquainted; that your Grace's conduct in this affair had been more exquiſitely ridiculous, more thoroughly deteſtable than even Junius had conceived it.

Of my moſt material accuſations, theſe ingenious apologiſts have not even attempted a confutation. As they remain unrefuted, accept a repetition of them unretracted. Exult in the remembrance, that pleading the inadvertent omiſſion of a *form*, you have maliciouſly ruined an honeſt man and his family; that a declaration, on which you have reſted your honour, has been proved to be a *lie*. The witneſſes of theſe facts have been ſo numerous and reſpectable, that anonymous aſſertions can weigh little on either ſide; and when your *perſonal* denial ſhall have been as public as your commiſſion of them, proofs ſhall not be wanting of your guilt.

As to what more particularly concerns myſelf, I am confident that my countrymen, who have known me ever vigilant in the defence of liberty, will not eaſily believe the invidious aſſertions of her enemies.

They are well acquainted with the fertility of your Grace's character. They have not ſo mean an opinion of my under-

ſtanding, as to imagine, that I would riſque my credit with them, by the invention of falſhoods, when they know that I cannot make you more ridiculous and deteſtable, than by painting you as you are. They will not think me ſo abſurdly obſtinate, as to continue to defend an inadvertency, when the world in general muſt be convinced of my error. It would not be my intereſt to do it. The candid and penetrating will believe me when I declare, that ſenſible of the uncertainty of all human evidence, I ſhall not unwillingly retract, where I have erred without intention; nor be backward to remedy, by a proper recantation, the evils a too haſty judgment might otherwiſe occaſion. Let me leave my countrymen leſs ignorant of their real intereſts, and I ſhall not anxiouſly ſolicit the reputation of infallibility; let me but arrive at truth in matters of this importance, and I care not through what channels I receive her. I ſhall neither be ungrateful for the aſſiſtance of the friends of liberty, nor deaf to the information of her enemies. Every hint on ſubjects ſo intereſting, ſhall receive its due conſideration; and to him who deſerves an anſwer, it ſhall not be refuſed.

After ſuch profeſſions of impartiality; after the many proofs of my candour your Grace has already experienced; you will not fear my being hereafter unjuſt alone to you. You have formed a deſign worthy of the peculiarity of your talents. Your prudence in the choice of your colleagues has been exemplary. Your *amiable* Sovereign ſeems at length to be bleſſed in the poſſeſſion of what he hath ſo long in vain required; ſervants whoſe *patriotiſm* his meaſures would not offend, whoſe intrepid villainy their conſequences could not diſcourage. While the court, that den of ſlavery, rings with eulogiums on *miniſterial firmneſs*, think not that Junius is blinded to your merits. Think not that he will ever deny a plaudit to the qualifications that have raiſed you to the place you hold in the confidence of the Sovereign, and the *eſteem* of the people—to that amazing ſtrength of underſtanding that hath rendered you too well acquainted with the commands of reaſon ever by miſtake to act according to her dictates; too knowing in the paths of virtue, ever to blunder into the right—to that exquiſite policy that hath hitherto preſerved you from ſhame and deſtruction; that hath ſhewn you at once too ſeriouſly deteſtable to be laughed at, and too deteſtably ridiculous to be deteſted.—The fabulous legends of pious anchorites pretend not to an unremitted obſervance of the duties of religion; you alone can boaſt an unerring continuance in the paths of infamy. No ſolitary virtue hath ſullied the glories of your career, nor

hath

hath your anxious attention to the ruin of your country ever known an intermiſſion. Greatneſs like this will not loſe its reward. England will hereafter triumph in having produced the firſt of villains; and St. North, St. Sandwich, St. Mansfield, and St. Grafton, cannot fail of canonization, from every votary of the infernal deity their actions evidently worſhip.

From the London Packet, Dec. 13. JUNIUS.

An authentic Account of the Trial of the Cauſes between the Duke of Portland, and Sir James Lowther, on Tueſday, Nov. 20.

AFTER the council was drawn up ten deep on each ſide, and the judges ſeated in their robes, and the ſpecial jury from Cumberland impaneled, and the muſty rolls of parchment ſcattered round the court from all the offices in the kingdom, Mr. Wedderburn opened a ſhort caſe for Sir James Lowther, in the cauſe of the foreſt of Inglewood, ſhewing, that the Foreſt of Inglewood and the Honor of Penrith had been held as ſeparate and diſtinct manors from the earlieſt times down to the grant to the Earl of Portland by King William, when their ſeveral rights had been blended together, and ever ſince enjoyed by the Portland family, under a grant for the Honor of Penrith. This he endeavoured to prove, to the ſatisfaction of the learned jury, by a hundred pipe rolls, in the moſt crabbed Latin that ever grated the ear of man. He then called for ſome leaſes, to prove the defendant in poſſeſſion under the Duke of Portland, and ſome parole evidence that proved the premiſſes contended for to be within the Foreſt of Inglewood: and, laſtly, the leaſe from the crown to Sir James Lowther, to eſtabliſh his right.

In reading this paper, after all the ſaid and aforeſaid furze, heaths, waſtes, ſhrubs, waterways, rights, members, appurtenances, courts, royalties, regalities, &c. &c. they came to the words "thirteen ſhillings and four-pence" as the reſerved rent to the crown. At which words the judges ſtarted inſtantaneouſly, as if ſtruck with an electrical ſhock, declaring the leaſe was contrary to the civil liſt act of the firſt of Queen Anne, which enacts, that in all leaſes from the crown there ſhall be reſerved the antient or moſt uſual rent, the rent paid for twenty years back, a reaſonable rent, or one third of the clear annual profit, none of which were fulfilled by thirteen ſhillings and four-pence. The objection ſeemed to be totally new to the council for Sir James Lowther, who appeared to be more ſhocked than even the Judges themſelves. The

court gave them an hour to recover their ſenſes, and conſult together. In the mean while, the ſolemn expectations of the audience were changed to a ridiculous laughter. The jurymen dined in court to the ſatisfaction of the ſpectators, while Mr. Woodhouſe, the Duke of Portland's attorney, with the agility of a waiter, ſerved up the repaſt. When the fatal clock had ſounded the hour, Sir James Lowther's council returned in a train like a mourning proceſſion from the Abbey; they endeavoured to mutter forth ſuch arguments as nobody would then liſten to, alledging, " that one third of the profits was reſerved to the crown by covenants in the leaſe. That this was the only mode of complying with the intent of the law, where the rent was fluctuating or uncertain, and could not be aſcertained, as was the caſe of courts and royalties. That the reſervation intended by the law was to be taken in a liberal ſenſe, the ſecuring ſuch and ſuch profits to the crown without eſtabliſhing, by a narrowed conſtruction, ſuch principles as muſt defeat the execution of the act. That with regard to the rent for the laſt twenty years, the ſum reſerved was many millions of times more than that, which indeed had been nothing. That with reſpect to a reaſonable rent, there was hardly a man in court, when he beheld the council, briefs, proceedings and pipe rolls, and calculated the charges they muſt have coſt Sir James Lowther, for recovering the eſtate for the Crown after the expiration of three lives, who would not think, that including theſe circumſtances, thirteen and four-pence was as much as Sir James Lowther ought to pay. That reſpecting the antient rent, there was no evidence on the rolls to ſhew that the royalties and courts have ever ſtood in ſeparate charge."—But the Judge, without a reply, ordered the cryer to roar aloud for John Dent, who making no anſwer, was nonſuited.

Thus, to the honor of the laws of this country, the civil liſt act, which was made to protect the property of the Crown, for the benefit of the Public, was the means of depriving the Public for ever of the benefit of a large eſtate which had been uſurped from it: and the ſame act which had been made, in conſequence of the exorbitant grants to the firſt Earl of Portland, was now the means of confirming his uſurpations to his poſterity.

The day following the cauſe for the ſoccage Manor of Carliſle came on to be tried. It was opened by Mr. Wedderburne with great elegance and force, ſeeming to riſe on his former defeat and his retreat to the caſtle. He ſaid that it had been given out by the other ſide to cover the weakneſs of their

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their cauſe under popular clamour, that his client had choſe this ſpot to try the queſtion upon, from ſome particular circumſtances which might render the poſſeſſion of the Duke of Portland doubtful. That he diſclaimed every ſubterfuge of that kind: that he admitted and allowed the Duke of Portland in poſſeſſion: that he wiſhed to try the fair merits of the queſtion, What right his Grace had to ſuch poſſeſſion? which had been much miſrepreſented to the world. He boldly aſſerted that the title of the Duke of Portland was ſo faulty in every reſpect, and his uſurpation ſo late as the year twenty-nine, without a colour of right, and that no modern conveyancer would have depended on it between man and man, much leſs againſt the rights of the public which had ever been held ſacred.——That the pity and compaſſion which had been called forth on this occaſion was wholly unmerited, and could only ariſe from the perſonal qualifications of the noble Duke, forgetting the circumſtances of his predeceſſors.—That the queſtion before the court was not that of a perſon who had paid a valuable conſideration for property, but that of a family who after having received the moſt unbounded grants from King William in perpetuity over half the counties of England larger than had been beſtowed on a ſubject, had likewiſe uſurped large poſſeſſions and even the demeſne lands of the antient crown of England, without any juſt pretence whatſoever. That he undertook to prove from the earlieſt period of our records in the northern counties, that the Caſtle and Manor of Carliſle had been in the poſſeſſion of the crown, and regularly continued till the year 1729, when the Duke of Portland under the colour of his Grant, of the honour of Penrith had got poſſeſſion.—That ſo far from the honour or Manor of Penrith conveying the Caſtle and Manor of Carliſle, that he would ſhow they had ever been held by ſeparate grants even poſſeſſed by the ſame perſons.

Mr. Wedderburne then called his evidence, which chiefly conſiſted of ancient records, dry, tedious and unentertaining in the reading: all parties were now buſily employed endeavouring to catch at every doubtful word or entry. But at laſt on the Friday following at eleven o'clock in the morning Mr. Wedderburne compleated his proofs.

Then began the war of tongues.

The council for the Duke of Portland reſted their defence wholly on the defects in Sir James Lowther's leaſe. They firſt obſerved that 50l. the reſerved rent in the leaſe was not the ancient or moſt uſual rent, or any rent within the Civil Liſt act.—That the leaſe to the Earl of Cumberland it is

true

true reſerved 50l. rent, and that all the leaſes from Queen Henrietta Maria and Queen Catherine ſtated that ſum. But the learned gentlemen obſerved, that the Earl of Cumberland had the Caſtle in his leaſe which Sir James Lowther had not, that therefore the premiſes could not be the ſame. That Sir James Lowther had mines included in his leaſe, which the Earl of Cumberland had not.—That altho' it was true there were no mines open on the premiſes yet they might be found in the courſe of the three lives or thirty years. That beſides trees were both granted and excepted in Sir James Lowther's leaſe, which was not the caſe in the Earl of Cumberland's, and though it was alſo true that there was not a tree on the whole premiſes, yet they likewiſe might grow up in the time of the leaſe, as the life of a man in the eye of the law was a thouſand years.

Mr. Wedderburn anſwered theſe objections by ſhewing that Sir James Lowther's leaſe could not be deemed diſcordant to the civil liſt act, by containing a leſs quantity of the ſame premiſes, and paying an equal rent as the antient leſſor.—That with reſpect to mines, as there were none on the premiſes, there could be no rational diſpute about them.—But he was well informed that the firſt lawyer that ever ſat in Weſtminſter-hall (hinting Lord Hardwick) had given his opinion that mines were not included within the poſſible meaning of the civil liſt act, more eſpecially when unopened, ſince they could be ſubject to no rational calculation whereby to fix the rent to be reſerved. That all leaſes of mines from the crown had, ever ſince paſſing the act, been let under covenant in the leaſe to account for certain profits as were the terms under which Sir James Lowther held, with a condition of forfeiting the leaſe in caſe of failure.—That ſuch was the beſt and only method of ſecuring the intereſt of the public on ſuch property as afforded no method of calculation, ſo as to comply with the exact words of the Civil Liſt act. That in caſe the judges determined otherwiſe, ſuch a deciſion would ſet half the property of the kingdom, held under leaſes from the Crown, afloat. That all trees being fully excepted in the leaſe, and no trees being on the premiſſes; the anſwer was compleat. The judges declared their opinions againſt all other parts of the exceptions, except one, but reſerved this point, namely, the mines for a ſpecial verdict. The council for the D. of P. then proceeded to ſtate another objection to Sir J. Lowther's leaſe, by ſhowing he had not ſet forth the value of the premiſes in his petition, neither the other leaſes he had received from the crown, both which were required by the firſt of Henry IVth. —Mr. Wedderburn replied, to the ſatisfaction of the court, that

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that this ſtatute, is not obſolete, was virtually repealed by the firſt of Queen Anne. That Sir James Lowther had actually ſet forth in his petition that the lands in queſtion had been uſurped, and were then of no value to the crown which was undoubtedly the fact, that the report of the Surveyor General which was refuſed to be read, though united to the petition ſet forth the expence Sir James Lowther muſt be at in recovering the lands in queſtion for the crown which had been fully conſidered at the time of granting the leaſe, nor could any man ſay the King had been deceived.

All the judges gave a clear and decided opinion againſt the objections ariſing on the ſtatute of Henry IVth.—The laſt objection was concerning a ſubſiſting term of two years, to which, though enforced by the engaging eloquence of Mr. Dunning, nobody would give any attention, as it ſeems the caſe, after having been toſſed to and fro in the ſea of legal uncertainty, had lately been determined in the court of Common Pleas, namely, That a term where the truſt had been ſatisfied could not be ſet up to defeat the title of the owner. ——Upon all theſe points, without pretending to ſhow any title, except poſſeſſion, the council for the Duke of Portland reſted their defence.

The court directed a ſpecial verdict. The lawyers wrangled two hours in ſettling of it. It was at laſt agreed as follows:

The JURY find,

AS to all the premiſes compriſed in the declaration, except two acres and a ſtable with a piece of ground thereto adjoining; containing one rood, in the poſſeſſion of the defendant Jackſon, Not Guilty. That King James, in right of the crown, was ſeized of and demiſed the premiſes contained in the leaſe to the Earl of Cumberland, at the time of making that leaſe. That King George the Third, in right of the crown, was ſeized of and demiſed the premiſes contained in the leaſe to Sir James Lowther at the time of making that leaſe.

That the premiſes in the poſſeſſion of Jackſon are parcel of thoſe premiſes.

Find both the deeds prout. That 50l. was the antient rent contained in the Earl of Cumberland's leaſe, except as is therein excepted. That 50l. was under the third part of the clear annually value of the premiſes contained in the leaſe to Sir James Lowther, at the time of granting ſuch leaſe.

The petition for Sir James Lowther's leaſe prout, and that his leaſe was made in conſequence of that petition.

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That at the time Sir James Lowther preſented ſuch petition, Sir James Lowther had a demiſe of the foreſt of Ennerdale.

Mr. Wedderburn and the Attorney-General ſigned the paper, then the Attorney-General tore off his name.—Mr. Dunning declared he would never ſign it, and gave the other party a challenge to meet to morrow at eleven, to ſettle the diſpute. The old Chief Baron quite worn out, roſe up in ſome emotion and declared the paper was the verdict of the Jury; and ordered the clerk to enter it up accordingly. Upon which his Lordſhip walked out of court, followed by his train-bearer, nor were the Jury long behind it, being by this time eleven at night, and the ſuit in ſuch a favourable train, that the bar may reaſonably expect a three years crop will yet be taken by the lawyers on both ſides, before a final deciſion can poſſibly be obtained.

Proceedings of the Houſe of Commons of Ireland.

ON Wedneſday (Nov. 13.) the Houſe reſolved itſelf into a committee of accounts, Mr. Lill being chairman. Sundry motions were made by Mr. Barry, Mr. Flood, Mr. Wood, and Sir William Mayne, for ordering the proper officers to lay before the committee, ſome very neceſſary papers and accounts, among which were a liſt of the licenſes granted by the Chief Governor, or Governors of Ireland, to penſioners to be abſent. An account from the Quarter-maſter-general of the particulars of the expenditure of a ſum exceeding ſeven thouſand pounds, charged to the account of furniſhing lodgings to the troops, and ſtabling for their horſes; alſo, the particular ſums iſſued by the Vice Treaſurer, or his deputy, under the head of *Concordatum.*—This was obſerved to be the more neceſſary, as by his Majeſty's inſtructions, if any money was iſſued on that head, beyond a ſtipulated ſum, or without proper authority by King's letters, the Lord Lieutenant, or ſuch of the Privy Council who ſigned the order for ſuch payment, were to have the money ſo iſſued ſtopped out of their reſpective ſalaries. And it was believed that there would appear a defalcation of 31,000l. which had been iſſued contrary to thoſe inſtructions.

Theſe motions were agreed to, though ſome of the courtiers laboured hard to prevent that relating to the Quarter-maſter-general, under pretence that it could not be got ready in leſs than a fortnight. But Sir William Mayne ſoon removed

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moved that objection, by ſaying, he did not doubt but the Quarter-maſter-general kept regular books and entries of all money by him paid or expended; and that he would himſelf take the trouble of copying out the accounts, that public buſineſs might not be delayed.

A little before five o'clock the committee adjourned, and the ſpeaker reſumed the chair, but the houſe did not ſit long. The majority ſeemed very anxious to get away, which Sir William Mayne perceiving, ſaid, he would not then detain them, though he had ſome very important motions to make, which he would therefore defer till the next day; adding, that he had been well informed, *that certain commiſſions had been made out, and were now kept ſecret in this kingdom, in which were ſome names, that, when known, would make Ireland tremble.*

The Houſe then adjourned at about half paſt five o'clock.

On Wedneſday, as ſoon as the Speaker took the chair, Sir William Mayne moved, "that as he had been informed "that the Quarter-maſter-general was *not* the proper officer "to lay before the Houſe the Accounts he had moved for "the day before, concerning the expenditure of ſeven thou- "ſand pounds, as mentioned above, that the ſaid Order "might be diſmiſſed, and a freſh Order made *for the proper* "*Officer* to bring in the ſaid Account," which paſſed in the affirmative.

He then moved, "that the proper Officers do lay before "the Houſe the number of effective men, commiſſion and "non-commiſſioned Officers on the military eſtabliſhment "at the concluding of the laſt peace; and alſo at Lady- "Day, 1771," which was agreed to.

It was alſo moved, "That an Account of the Expences "incurred by Government in carrying on Crown Proſecu- "tions from the firſt of Auguſt, 1767, to the firſt of Nov. "1771, incluſive, he laid before the Houſe," this alſo was agreed to.

Some private Petitions were then received, read, and referred to ſeparate Committees, and then the Order of Nov. 9, was read, for the Houſe to reſolve itſelf into a Committee of the whole Houſe, to conſider on the heads of *a Bill to prevent Delays of Juſtice by Reaſon of Privilege of Parliament*; and accordingly the Speaker left the Chair, and the Committee ſat, Mr. Le Hunte being Chairman, and made ſome progreſs in that bill."

Laſt Friday, the ſitting was taken up in committees, inſpecting public accounts, and examining Collectors of the

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revenue at the table of the Houſe. Nothing paſſed remarkable, but the objection Mr. Anthony Malone made to the calling for ſo many papers, and looking ſo minutely into ſo many articles; this, he ſaid, only delayed buſineſs, for to do the whole accurately would take up twenty years. He was anſwered, that if it would take up *a thouſand*, it was neceſſary that as much ſhould be done as time would permit, that the nation might be ſatisfied their repreſentatives did their duty.

The former part of the ſittings on Saturday was employed in receiving petitions, and giving leave for heads of bills to be brought in. In which buſineſs nothing occurred but matters of form, except in one caſe; the Houſe was moved to give leave to bring in heads of "A bill for exempting "ſuch waſte and unprofitable lands as may be hereafter cul-"tivated, from taxes for a certain term." Col. Burton moved, to add after the word *from*, the words *tythes and*. This produced a debate; the friends of the Clergy were alarmed at the propoſal, that any ground ſhould be cultivated and rendered uſeful, without the Clergy reaping an *immediate* benefit. The Provoſt and Mr. Scot ſpoke ſtrenuouſly againſt the amendment. The friends of the bill ſhewed that many people were deterred from cultivating their waſte grounds, from their being immediately liable to tythes and taxes, before the improver had received any advantage. Whereas, if they had an exemption for ſeven years, it would produce more tythes and taxes than they could do, without ſome ſuch encouragement. However, the motion was withdrawn, till a more unexceptionable title could be framed, and then it will be again moved for.

The capital buſineſs of the day then began. Mr. Flood acquainted the houſe, he had certain information, that the law officers of the crown had been adviſed with, in regard to the legality, and that the Miniſtry in England had been applied to, and, he believed the commiſſions were made out for an addition of five more commiſſioners of the revenue, That the cuſtoms and exciſe were to be divided into two diſtinct boards, the former to have ſeven commiſſioners, and the latter to have five. That ſuch a new arrangement would be very deſtructive to this nation, as it would not only increaſe the expences thereof, 50,000l. every year, for the ſalaries of the new commiſſioners, the new officers under them, and building a new houſe for their reſidence, and a new office to tranſact buſineſs in; but it would be of great hurt to trade, by obliging merchants to pay double fees,

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and go to two offices to do that buſineſs, which they now do with eaſe and diſpatch at one. He called upon the law officers, and the gentlemen of the Miniſterial Bench, to contradict him if he was wrong, in ſaying ſuch a ſtep was in agitation; if they did not, he ſhould take their ſilence for an avowal. They were ſilent; they anſwered not one word, and then he went on, and concluded with moving the Houſe to come to a reſolution to this purport, "That it appears to "this Houſe, that *ſeven* commiſſioners of the revenue are "*ſufficient* to tranſact the buſineſs thereof."

Sir William Mayne ſeconded the motion of his honourable friend, and ſhewed the impropriety and wanton cruelty of burthening the nation with the expence of new offices and unneceſſary officers, at a time when it was groaning under a heavy debt, and little likely to be able to pay any of it. He ſaid, he ſhould not be quite ſo tender as his friend, but would ſpeak the truth, however diſagreeable it might be to the gentlemen on the other ſide of the houſe. That he was aſſured a regular plan was laid down for enſlaving this nation; that new offices were created to keep men firm to the court intereſt, by expectation of enjoying thoſe places; that he did not doubt but each commiſſion had been promiſed to five or ſix different gentlemen; but that he was certain the deſign was, after they had augmented the board, then to garble it, and put in a number of Engliſhmen ſent from the other ſide of the water to be checks over the reſt, and ſpies on the conduct of this country. That in order that it might not ſeem an innovation to introduce a number of men from Great Britain to our revenue board, one was to be appointed in the firſt commiſſion, and that one was no other than the deteſtable Sir Francis Bernard, late Governor of New-England, whoſe ignominious behaviour, and arbitrary tyrannic proceedings there, well nigh loſt the affections of our American fellow ſubjects, and thereby hath rendered him a fit tool to fetter the people of Ireland.

He added, that he was well informed that it was the intention of government, to prorogue the Parliament as ſoon as it had paſſed the bill of ſupplies. For as deſpicable as the oppoſition might be thought by ſome people, it was ſtill formidable enough to the Britiſh Miniſtry, who dare not meet the Britiſh Parliament, while ſuch an oppoſition ſubſiſts in that of Ireland; for which reaſon the Britiſh Parliament is not to meet till the 21ſt of next January, by which time government thinks to do all its buſineſs here, and prorogue this Parliament.

Mr.

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Mr. John Bourke, jun. having by this time received his inſtructions from the Miniſterial Bench, whipped over to the other ſide and moved an amendment, and after the words *Reſolved that*, be added theſe words, *from the ſtrongeſt evidence*, with which amendment he ſaid, he did not doubt but the whole motion would paſs in the negative, as he did not find any evidence had been given to prove that *ſeven* commiſſioners were ſufficient.

He was then anſwered by Mr. Barry, and Mr. Kearney, that the greateſt evidence had been actually given that *Seven* Commiſſioners were ſufficient, ſince the buſineſs of the Revenue had been tranſacted by *Five* for many years. *Two* conſtantly reſiding in England. As a proof of this, the clerk was ordered to read a reſolution upon their Journals, founded on the report of a Committee which had been appointed to enquire into the conduct of the Revenue Board, when Mr. Ponſonby was at the head thereof; the reſult of which was, that the Houſe reſolved that the Commiſſioners had executed their office with *honour to themſelves* and *advantage to the nation*. Since then *Five* Commiſſioners had done the buſineſs to the advantage of the nation, it was plain that *Seven* were fully ſufficient for that purpoſe.

Mr. Power, Council to the Commiſſioners, then thought it high time to ſay ſomething to enſure his place to the new Board. He began indeed in a high ſtrain, comparing the preſent debate to one in a Robin Hood Society, for which he was called to order, and then endeavoured to ſhuffle away his words, ſaying, he had only ſaid *another* Society. He mentioned two acts of King Charles II. which enacted, that the Commiſſioners of Exciſe ſhould never be more in number than Five, nor the Commiſſioners of Cuſtoms leſs than Five nor more than Seven. Hence he inferred, that ten at leaſt were neceſſary, and endeavoured to chicane the Houſe into an oppoſition to the motion.

Mr. Montgomery, Sir Charles Bingham, Mr. Brownnow, Mr. Cramer, Mr. Gorges, Sir Lucius O'Brien, and Sir James Cotter, all ſpoke with great eloquence and ſpirit, defended the original motion, and corroborated what had been advanced by Mr. Flood, and Sir William Mayne.

Mr. Solicitor General then aroſe, and in a ſmooth, plauſible manner, ſtrove to defend the deſtructive meaſure. He ſaid, he was never conſulted about it, but was clear as to the legality of it, as by the two acts now ſubſiſting, the King had a right to appoint *twelve Commiſſioners*, and that the agreeing to the motion would be to infringe upon the King's

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King's prerogative, which is to appoint what officers he pleaſes; it would therefore be better, he ſaid, to avoid intermeddling with the royal prerogative, and if ſuch a meaſure ſhould be adopted (of the expediency of which he would not pretend to judge) then ſuch a Bill might be brought in in Ireland as they have in England, to prevent Commiſſioners of Exciſe or Cuſtoms from having a ſeat in the Houſe. Yet he could not help thinking that an increaſe of Commiſſioners would be of ſervice to the Revenue; for it would cauſe the Revenue to be much greater than it is, as it is not ſo well collected as it might be, and called upon Mr. Ponſonby to confirm what he ſaid.

Colonel Brown, to ſhew his great ſkill in commercial affairs, ſpoke againſt the motion. Mr. Forteſcue ſpoke alſo, but whether for or againſt it, was not very eaſy to be gathered from his ſpeech.

Mr. Ponſonby then replied to Mr. Solicitor General, that from his own long experience at the Revenue Board, he was enabled to declare upon his honour, that he did not ſee any neceſſity for more Commiſſioners, or that the Revenue could be better collected if there were fifty than with only five.

The Patriots replied, and would have doubtleſs convinced all who were either capable of conviction, or who were not biaſſed by court favours, or expectation of them. The Courtiers anſwered the reaſons of the Patriots by the firſt rule of Arithmetic, *Numeration*, and left them the ſole ſatisfaction of having done their duty, though it was not crowned with ſucceſs.

The Committee of Accounts ſat, and made a further progreſs in the public accounts of the nation. But in examining of them there appeared a moſt extraordinary circumſtance. A law now exiſts, ſubjecting all Abſentees on the Penſion Liſt to a tax of four ſhillings in the pound on the whole amount of their reſpective penſions. Yet notwithſtanding this act paſſed with the concurrence of both Houſes of Parliament, and received the Royal Aſſent, his Majeſty's Letters came over for reimburſing five perſons the whole ſums that had been ſtopped in obedience to the above Act. Nay, though the very appropriation of the ſaid tax was particularly mentioned. Such a violation of the Law, which by levying money without authority of Parliament, put it upon the level with the famous caſe of ſhip-money, could not eſcape the notice of the Lynx-eyed Patriots; the letters were called for, and after much chicanery and endeavours to

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ſuppreſs them, they were produced, and one of them, relative to Prince Ferdinand, was read.

Another extraordinary affair was brought to light; no leſs than an endeavour to lump the arrear contracted by Government, together with the founded debt, all under the general head of *the National Debt*; for ſo it appeared upon reading the Report of the Chairman of the Committee, as it was prepared to be made to the Houſe. But Mr. Cramer and Mr. Huſſey detected the artifice; and when Mr. Anthony Malone was for letting it go, and that the Parliament might be left to their choice, whether or not it would provide for the arrear, Mr. Huſſey well remarked, that that was a proceeding juſt like a man who would *acknowledge* he was *ten* thouſand pounds in debt to another, but that he would *chooſe* whether he would pay more than *ſix*. The ſums were ordered to be divided.

Proceedings on Tueſday, Nov. 19.

The former part of the day, and even till near five o' clock, the Houſe was employed in receiving Petitions, referring them to Committees, and giving leave for bringing in heads of Bills, accounts of which will be better given to our Readers when they are brought in. At length, Mr. Brownlow recited the reſolution agreed to on Saturday laſt concerning the Commiſſioners of the Revenue, and moved, "that the whole Houſe, with the Speaker at their head, "ſhould go to the Lord Lieutenant, and lay that Reſolution "before him, as the joint opinion of the Houſe."

Upon this Sir George Macartney ſaid, that he was ſilent in the debate on laſt Saturday, becauſe he was not properly informed; but now he was authoriſed to acquaint the Houſe, that his Majeſty had thought proper to divide the Revenue Board into two Boards, and that the King's Letters had come over, appointing twelve Commiſſioners.

The fears of the Patriots were now confirmed, and their apprehenſions verified. A debate aroſe upon the motion, which though it was carried on for a long time, and by many ſpeakers, were chiefly repetitions of the arguments on both ſides which had been uſed on Saturday; only indeed the Courtiers talked more confidently than before. Sir George Macartney, the Attorney General, Mr. Prime Serjeant, Mr. Forteſcue, Mr. Malone, Mr. Monck Maſon, and Mr. Scott, were the chief Speakers on one ſide; and Mr. Brownlow, Col. Burton, Sir James Cotter, Counſellor Dennis, Mr. Ponſonby, Mr. Hamilton, Mr. Flood, and Sir William Mayne, on the other.

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Mr. Prime Serjeant was very elaborate in his defence both of the legality and the propriety of the measure. He said, it was part of the King's undoubted prerogative to appoint to all Commissions; and as what he had done was strictly legal, it would be the highest insult to his Majesty, to carry up to his Vice-Roy any Resolution against a measure which his Majesty had adopted upon long and mature deliberation, especially as this step would be very hasty. The House surely would not, in a few hours, without proper lights, determine on what the King had considered for a long time. The Resolution of Saturday was pertinent, because it was unknown whether the measure would take place, but now it was too late to condemn it. If indeed Gentlemen did think it wrong, that was sufficient ground to enter into a discussion in a Committee of the whole House, and call for merchants before them, that every thing might be maturely examined into, before any Resolution was made.

This scheme to delay the further examination, was speedily detected by several worthy Members. At length, Mr. Flood spoke to this purpose:

Mr. Speaker,

It is really surprising to see the inconsistency, of some Gentlemen. When we were on this subject last Saturday, we were told that *it was too soon to determine*—we were *premature*; now when only two days have intervened, we are told *it is too late*, the business is done, and we must abide by it.—It will be disrespectful to his Majesty if we lay our last Resolution before his Representative. Now, Sir, let me tell those Gentlemen, it is not too late. The King's Letters are indeed come over, but the Great Seal is not yet put to the Commissions.—If we delay till that is done, we may indeed be told *it is too late*. The King's Letters are doubtless conditional, and according to the advice he has received from his Ministers, and the application that has been made to him from hence. Therefore, it is now more respectful to him to tell him he is going to take a wrong step, than to tell him, by and by, that he has done so. It is our duty, as part of the Grand Council of the Nation, to inform him when he has been misinformed. He, doubtless, supposes, and has very probably been told, that this measure is agreeable to his Subjects of Ireland, but it is our duty to tell him it is not agreeable. To say to him, your English Ministers, (who know nothing about us but by information) have advised your Majesty to take this step, but your House of Commons of Ireland (who must know best) advise your Majesty

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not to take it, for it will be very disagreeable, detrimental to Trade, and tend to the lessening your Majesty's Revenue. That it will occasion an expence which we are not able to bear, in the drained, ruined condition to which we are reduced. This, it is proper, we should tell the King; and, no doubt, upon such representation, he will withdraw his orders. Besides, Sir, though the King's Letters are come, it is the Lord Lieutenant who is to appoint to these Commissions. Is it not highly proper, by laying our Resolution before him, to let him know it will be disagreeable to this House, if he proceeds any further in this business? And those Gentlemen who voted for that Resolution last Saturday, will act very inconsistently, if they do not vote for this now before us. If I am not mistaken, from the list of the intended Commissioners, it appears that eleven of them are members of this House. I therefore intreat those Gentlemen, upon this occasion, to practise an honest self-denial, and vote for this Resolution. Let them lay their hands on their hearts, and say to themselves, "I did solicit for this place, it is true, but I did not see the affair in that heinous light in which it now appears. I now see it is destructive to the real interests of my country, it will be ruinous to Ireland, and, if I take it, it will make me be looked upon as one, who, for his private interest, sacrifices those of a whole nation. No; I'll vote for this Resolution, that they never may be made out." This will be honourable to them; and they have an opportunity now to shew their disinterestedness."

Mr. Monck Mason, who looked on himself as one hinted at, owned he was one of the intended Commissioners, but it would be of little more profit than the place he then enjoyed. He attempted to prove that it would not be so expensive a measure as had been suggested; and began to read some calculations he had made. Such a coughing, hemming, and calling for the question succeeded, that no one could hear a word that he said. He still continued in spite of every token of disapprobation, with an *intrepidity*, which his enemies would naturally call *impudence*; 'till after talking near twenty minutes, he sat down.

At length, after a debate which lasted from a quarter before five till a quarter before one, the House divided on the motion, when it was carried by the country side by a majority of *twenty-two*. The members for Mr. Brownlow's motion, being one hundred and twenty-three; and against it, one hundred and one.

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Proceedings on Wednesday.

When the House met, it was moved to attend his Excellency directly with the resolution of the preceeding day, and was carried in the affirmative. Many Gentlemen seemed very eager to go up with it, and particularly Mr. Ogle, who wished they might go while it was day-light, "that he might see the Lord Lieutenant's countenance, while the resolutions were reading to him."

They were, however, obliged to wait till the Speaker could send for his robes of state, and then they sat out, and came to the Castle between five and six o'clock; one hundred and fifty-four members attending.

Proceedings on Thursday, Nov. 21.

The House being met, the Speaker reported, that in pursuance of a resolution of the House on Tuesday night, the House had, on Wednesday evening, waited on his Excellency the Lord Lieutenant, to lay before him the resolution of last Saturday, and that his Excellency was pleased to answer, that "the King's Letters had come over, to order commissions to be made out for seven Commissioners of Customs, and five Commissioners of Excise, but that since the House of Commons had entered into that resolution, he thought it was his duty to report the opinion of the Commons to his Majesty."

It was then moved, that the Committee of Supplies should sit, which was agreed to after a short debate; and the Right Honourable Anthony Malone took the chair: the titles of some papers were read; and also some of them at length; but as the greatest part of the members had left the House on the Speaker's leaving the chair, it was thought proper to adjourn the Committee.

The Speaker then resumed the chair, and leave was given to bring in heads of a Bill, more effectually to prevent the steeping of flax in running water; and then the House adjourned."

Friday, Nov. 22. When the House met, it was moved that they should go into a committe of supplies, but before the question could be put, a motion was made, that it be an instruction to the committee, not to provide for those pensions which seemed to them to be *most* burthensome or unnecessary. This motion produced a great debate. The court party opposed it, as quite needless, since the committee had a power of itself to examine, if it pleased, into any articles of

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the public accounts. To this it was anſwered, that, although the committee had undoubtedly ſuch a power, it was not clear from thence that it would think of exerciſing it, unleſs ſuch a duty was impoſed on them by an inſtruction; as many men have power to do things which they never think of doing, till they are previouſly put in their heads. Mr. Wood moved that the word *moſt* be expunged, ſince he thought *no* penſion whatſoever ſhould be provided for which appeared to be any wiſe *burthenſome* or *unneceſſary*. Mr. Ponſonby obſerved that though ſome penſions had been deſervedly beſtowed as rewards for eminent public ſervices, yet no man could ſay that was the caſe in many which were on the liſt; and that the names of Jeremiah Dyſon and Lord Camden, ſhould never be named together, as equally meriting the ſame penſion.

Mr. Scot anſwered, that no man could tell the reaſons which influenced the King to reward his ſervants, and that in the Royal mind, perhaps Mr. Dyſon ſeemed equally deſerving with Lord Camden. That, for his part, he could not think how it was to be determined which penſions were moſt burthenſome and unneceſſary. It would doubtleſs be thought by ſome that the higheſt penſions were the greateſt burthens; but which were moſt *unneceſſary* was the hardeſt point to decide. A poor woman's penſion of forty or fifty pounds a year, might be deemed by her highly neceſſary to her ſupport, and yet the beſtowing it might not appear neceſſary to the committee. And indeed the abſolute degree of neceſſity could never be thoroughly determined unleſs the committee was thoroughly informed of the reaſons for granting them.

Some members then ſeemed to doubt the legality of granting penſions on this eſtabliſhment, ſince, as they were charged on the Hereditary revenue, when that fell too ſhort to anſwer the abſolute appropriations, and to pay theſe penſions, the overplus could not be raiſed without authority of parliament, and therefore muſt neceſſarily drop off.

To this it was anſwered, that the legality of penſions was ſatisfactorily aſcertained by the act which laid a tax of four ſhillings in the pound on all abſent penſioners; and by ſome of the branches of the Revenue being directly exempted from having any penſions laid upon them, which allowed that they were legally laid upon all thoſe which were not thus exempted.

The country party ſtill perſiſted in the motion, and not one of the courtiers ſaid a word againſt the expediency of examining

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mining into the Penſion liſt, but only wanted to inſinuate that the committee had no need to be inſtructed by the houſe, to what they had authority to do without. Sir George Macartney gave great honour to the Lord Lieutenant for having diminiſhed the penſion liſt ſix thouſand pounds a year ſince he came hither, and ſaid it was very hard people were blind to this great ſervice, and denied him the merit thereof; when every Chief Governor, for many years paſt, had conſtantly left the penſion liſt much heavier than he found it. Sir William Mayne replied, that whatever honour was due to his Excellency, he muſt ſhare that honour with *Death*, who had very kindly interpoſed to eaſe the burthen of Ireland. But the main queſtion was, whether if ſo many had *not* died off, the Lord Lieutenant would not ſtill have laid as many penſions on as he has done; which, if *Death* had not intervened, would have put him on a level with his predeceſſors. Till that queſtion was ſatisfactorily anſwered, it was impoſſible to aſcertain the quantum of merit to be aſcribed to his Excellency, or the proportion of thanks due to him.

The courtiers then accuſed the country party of effecting delay; and, by throwing in theſe bones of contention, of obſtructing the ſupplies. Mr. Anthony Malone very gravely, ſolemnly, and de-li-be-rate-ly obſerved, that time would not allow very nice diſquiſitions; for if the committee was to be obliged to examine minutely into every article of the public accounts, and to ſcrutinize critically into every penſion in the whole liſt, it would not be done in three months time: and, for his own part, he would not for the largeſt penſion in the whole liſt, attend to ſuch a tedious proceeding.

Mr. Flood replied, that no artificial delays were made uſe of, but that when the nation was almoſt ruined, and was groaning under an almoſt inſupportable weight, it was the duty of every member to try every method to leſſen that weight. As public advantage ought ever to be more attended to than private, he would never grudge any time he beſtowed in attending in that houſe; and would never put his own private concerns in competition with thoſe of a whole people. If the Right Honourable gentleman's age, infirmities, or any thing elſe, made it diſagreeable to him to attend, yet the national buſineſs could ſtill go on, though that Right Honourable gentleman ſhould not be Chairman; and that he could not help wondering that thoſe gentlemen were unwilling to beſtow their time for the public good, who were ready to *do the dirty work of any dirty adminiſtration.*

Mr.

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Mr. Flood was immediately called to order by Mr. Malone. The courtiers now rejoiced, and thought they had it in their power to retaliate the disgrace which had lately fallen on their friend Waller. Although the disparity was very great between the words of Mr. Flood, and those expressions of Waller, the words were taken, and it was moved that Mr. Flood should either ask pardon of Mr. Malone, in his place, or be called to the bar. The question was as frequently put, and as frequently the decision was put off by some member rising to speak, till at length, at near nine o'clock, a motion for adjournment was made, and carried, and the House broke up, without coming to any resolution on any of the motions made that day.

Proceedings on Saturday, Nov. 23.

This day was chiefly employed in a committee of supplies, [Mr. Malone Chairman] the debates turned on that point which we have already mentioned in the proceedings of the committee accounts, namely, whether the arrear of government should be joined with the funded debt, as the debt of the nation. The Courtiers were for having them lumped together, and then left to the opinion of the House, whether they should be equally provided for. The country gentlemen replied, as upon the former occasion, that to acknowledge a debt, and not provide for the payment, was unjust, and dishonourable to Parliament. That if the arrear was acknowledged, it must be paid; and such acknowledgment would encourage government to make what arrears they pleased, on the confidence that Parliament would provide for them, however unjust, or however burthensome they might prove. It was also observed, that there were above four thousand pounds of the public money still in hand, which, by the acknowledgment of Mr. Chaigneau, when he was examined, had not been demanded by widows, &c. for whom it was appropriated, for near five years; and that gentleman declared, that after such time was elapsed, seldom any claim was made; therefore that should be struck off the national debt, that we might not be obliged to borrow money at interest from year to year, to provide for what would never be demanded, and increase the fictitious debt.

Whenever the fictitious debt was mentioned, the courtiers put them in mind, that there was also a fictitious credit:——this was admitted; but Mr. Flood desired that both might be properly ascertained, and a proper balance struck, that no more might be provided for than what was actually and *bona fide* due.

Proceedings

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Proceedings on Monday, Nov. 25.

This day was ſpent in a Committee of Supplies, in which the moſt material paſſage was the debate on the penſion of Jeremiah Dyſon. It was urged, that this penſion was very *burthenſome*, as it was one thouſand pounds a year; and it was *unneceſſary*, as it was beſtowed on one who had never been of any ſervice to this country, whoſe chiefeſt merit conſiſted in a pliability to every adminiſtration that exiſted in his time. The Provoſt expatiated very largely in *Jerry*'s praiſe, and ſaid, that whenever any motion was made in the Britiſh Houſe of Commons relative to Ireland, he always took that ſide of the queſtion which was for the advantage of it, and particularly in regard to the Linen Manufactory. This eulogium was replied to by Sir William Mayne, and taken to pieces in ſo ludicrous a manner, as to excite the laughter of the whole houſe. It was often remarked, that this very penſion was an actual breach of the Royal word, and for that reaſon, if for no other, ought not to be provided for. At length the queſtion was put, and on a diviſion, it was carried againſt the penſion by a majority of one only: the number for the penſion being 105; and againſt it, 106.

The Houſe afterwards came to the following reſolution:

Reſolved, That the penſion granted to Jeremiah Dyſon, Eſq; and his three ſons, is an unneceſſary charge upon the eſtabliſhment of Ireland, and ought not to be provided for.

Ordered, That the ſaid penſion be ſtruck off the liſt of penſioners, upon the eſtabliſhment of Ireland.

Proceedings on Tueſday, Nov. 26.

This day was taken up in a committee of Supplies, voting Grants, Premiums, Bounties, and Rewards to the Officers and Servants of the Houſe, and the Clerks who had furniſhed accounts, in conſequence of orders of the Houſe. Mr. Ponſonby moved, that the ſum of four thouſand pounds ſhould be granted to the Right Hon. the Speaker, to enable him to ſupport the dignity of his office, and it was carried unanimouſly. No material debate happened on any of the numerous motions, and the Committee broke up.

Proceedings on Wedneſday Nov. 27.

The Houſe received the report of the Committee of Supplies, which conſiſted of a great number and variety of grants, and the houſe agreed to the greateſt part of them without debate. Some, at the firſt reading, were poſtponed to be conſidered more maturely after the leſs important were agreed to: and when the Speaker had gone through the whole, the poſtponed articles were read.

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When the Houſe was deſired to agree to the debt of the nation being as reported from the Committee, 9000l. were ſtruck off on a motion of Mr. Flood, who informed the Houſe, that in the year 1745, a vote of credit paſſed to permit the borrowing of 70,000l. and ſome taxes were appointed to pay the intereſt and principal. But that no more than 61000l. being borrowed on that vote, and the whole being paid off in the year 1753, the remaining 9000l. ought to be ſtruck off from the alledged ſum total of the national debt. This was agreed to.

Mr. Flood then moved, that the Houſe would not allow the ſum of 5306l. 13s. 2d. halfpenny, which had been paid in conſequence of the King's letters, as a reimburſement to certain penſioners of the four ſhillings in the pound, which were detained on their penſions, by authority of an act of parliament for taxing abſentees. This motion produced a warm debate; Mr. Solicitor General endeavoured to ſhew that the meaſure was both legal and expedient: that the Crown being willing to give to certain perſons, who had deſerved well of the government, the full ſum which had been allotted to each, did, in that caſe, ſuffer the law to take its courſe in withholding the tax, and then did order a reimburſement, by his letters, of the ſums ſo withheld; by theſe means both were ſatisfied; the Crown by reciting the law in his letters, allowed it its full force; and thereby ordering a reimburſement, kept his Royal word with the penſioners, by giving them their full penſions.

Colonel Brown endeavoured to ſhew the expediency of the meaſure from the merits of the perſons concerned. Prince Ferdinand had done ſuch ſervices that his reward ought not to be diminiſhed; ſo had alſo Admiral Hawke. That in regard to the Duke and Dutcheſs of Athol, they certainly ought to have the full of their penſions, as it was part of the bargain for his allowing the Iſle of Man, which was his legal property, to be annexed to the Crown; from which this country had derived many great advantages. The Colonel, indeed, was a little unfortunate, in regard to one of theſe reimburſed penſioners, George Charles, Eſq; (the fictitious name under which Count Viri, ambaſſador from Sardinia, holds one thouſand a year,) ſince no ſervices could be hinted at from that quarter.

Mr. Brownlow oppoſed the above gentlemen, and ſhewed that the giving back a tax levied by Authority of Parliament, and then making that money a part of the national debt, was an abſolute defeat of that act, and a raiſing of money without

without Authority of Parliament. That if the Crown had reſolved to reimburſe theſe penſioners, it might have been done without an infringement of an eſtabliſhed law, by a new penſion of equal value.

Counſellor Hellen replied, that ſuch reimburſement was not diſpenſing with the law, ſince it was allowed its full force: nor was it a repeal of it, as it operated upon all the other penſioners. That had the King granted a new penſion, that muſt have continued, and been provided for, for the time for which it was granted, whereas this reimburſement related only to time paſt. And that the King's Letters reciting the act, was an acknowledgment of it.

Mr. Huſſey very learnedly and eloquently ſhewed the futility of theſe arguments; he ſaid, the reciting the act in the King's Letters, was no more than an acknowledgement of its force, than his reciting the arguments of the gentlemen on the other ſide of the way, was a proof of their validity. That in theſe recitals the Crown and he both acted alike; he recited the arguments only to confute them, and the Crown recited the act only to ſhew that it would deſtroy its effect, defeat its deſign, and by an unwarrantable ſtretch of prerogative, diſpenſe with a law to which it had aſſented. That the Miniſtry had adviſed the Crown to a fraudful meaſure, take it in which light we would: if the Crown deſigned that theſe particular penſioners ſhould be exempt from the law, it was a fraud on the parliament of Ireland, to aſſent to an act which he was determined ſhould not have its due power on ſuch perſons as he choſe to exempt: and if he deſigned at aſſenting to this act, that it ſhould equally bind every penſioner, it was a fraud on the Duke of Athol, &c. to whom the nation was engaged by way of bargain to have the full of the ſtipulated price.

Mr. Charles O'Hara ſpoke by way of reply, but was not attended to.

Sir William Mayne urged the illegality of this pretended power of diſpenſing with an act, and the fatal conſequence of eſtabliſhing ſuch a precedent. He ſaid, ſome unexceptionable perſons were pitched upon in the Penſion Liſt, to be reimburſed only to feel our pulſes, how ſuch an arbitrary ſtep would be reliſhed. The Miniſtry hoped the reſpectable names would make the meaſures go down; and then if it was once paſſed over, it would be a ſtanding precedent for the Crown to diſpenſe, if it pleaſed, with every Act of Parliament, and with the levying and appropriation of every tax.

This matter was debated till near ten o'clock; in which debate Mr. Flood, and Mr. Fitzgibbon on one ſide, and Sir George Macartney, Mr. Attorney General, and Mr. Scot, on the other, were the principal ſpeakers (except thoſe abovementioned). At length the queſtion being put, the Houſe divided, and the numbers were, for not allowing the reimburſement, *one hundred and ſix*, and on the contrary, *one hundred and eighteen*.

The Speaker then read the report from the Committee of the ſtriking off the penſion of Jeremiah Dyſon. When the queſtion was put, whether the Houſe ſhould agree with that reſolution, Counſellor Power re-echoed what had been ſaid in the Committee by the Provoſt, in regard to the vaſt merits of Mr. Dyſon, and wanted the Houſe not to agree with the reſolve. Mr. Connolly anſwered the Counſellor, and with much candour acknowledged, that being deceived by the machinations of ill-deſigning men, he had brought in the augmentation bill, for the expence of which the four ſhilling tax on abſentees was appropriated; but ſince he had ſeen ſuch perverſions of the liberality of Ireland, and ſuch breaches of promiſes, he aſked pardon of the Houſe for what he had been cajoled into, and was reſolved to put his negative on every additional expence to this kingdom. The Provoſt ſpoke in favour of Mr. Dyſon, and obſerved, that that Gentleman had the misfortune to have a name with which many people were diſguſted; that his Jewiſh name was to many ſo offenſive, that it clouded his merit, and might make him ſing the Lamentations of Jeremiah Dyſon. Mr. Huſſey, in the ſame ſtile of raillery, replied to the Provoſt, that indeed it was very unhappy for any perſon to get an offenſive name, and that was the caſe here as well as in England; for he believed ſome Gentlemen on the other ſide of the Houſe had names which were not quite ſo pleaſing to the public as they might wiſh.

Mr. Barry Barry and Counſellor Wood, Sir William Mayne, Mr. Malone, Counſellor Hellen, and the Attorney General, with ſome others ſpoke on this Queſtion; and at eleven, it being put, there were *ninety-three* for diſagreeing with the reſolution, and *one hundred and five* for agreeing with it. So that Jeremy may now make his lamentation for the loſs of his penſion.

After agreeing to ſome more reſolutions, Mr. Malone moved, that the Houſe would the next day reſolve itſelf into a committee of ways and means, which being agreed to, the Houſe adjourned.

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Proceedings on Thurſday, Nov. 28.

This day the committee of ways and means ſat (Mr. Malone, chairman) to reſolve in what manner the ſupplies could be raiſed. They came to ſundry reſolutions, which, when the Speaker aſſumed the chair, were ordered to be reported to the Houſe the next day.

In this committee there was no material debate, except on a motion made by Sir Lucius O'Brien. He obſerved to the Houſe, that in conſequence of the vaſt importation of Engliſh and Scotch porter and ale, the Iriſh brewery was greatly injured, that above forty thouſand barrels of porter were imported yearly into Ireland; and thereby the conſumption of our home manufacture was greatly decreaſed, leſs malt made, and conſequently the tillage much injured. Lands which would turn to great advantage, if uſed for growing corn, are now either uſed only for paſture, or left uncultivated and unbroke up. That theſe forty thouſand barrels were ſo ſtrong, that they were equal to eighty thouſand barrels of Iriſh beer, and therefore he propoſed, "that an additional duty of two ſhillings per barrel of 32 gallons, be laid upon all beer, or ale imported from any part of Great Britain into this kingdom."

This motion was violently oppoſed. It was urged by the courtiers that the true way to make the Iriſh brewery equal the Britiſh would be rather to encourage the firſt, than to diſcourage the laſt. That Britain would certainly take umbrage at ſuch a tax, and withhold the exportation of their hops, which, as no quantity grew in Ireland, would be diſtreſsful, and entirely ruin our brewery inſtead of doing it any ſervice.

To this it was anſwered, that the Engliſh ſold above the value of one hundred thouſand pounds of hops yearly to Ireland; and that it was not to be thought, they would deprive themſelves of ſo valuable a branch of trade, merely becauſe Ireland laid a ſmall tax upon porter and ale.

It was then urged by the friends of adminiſtration, that if they did not withhold their hops, the Britiſh Parliament might retaliate, by laying ſome duties on the importation of Iriſh linens, which might be fatal to our chiefeſt ſtaple commodity: that the brewery of Ireland was more hurt by the diſtilling corn into whiſky, than from any importation of porter; that the quantity drank was not very great, as it was not above a pint a man a day for eight and twenty thouſand men; which was a ſmall part of the Inhabitants of Ireland.

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Proceedings on Friday, Nov. 29.

The Houſe being met, the report of the committee of ways and means was received, and read, and agreed to. For the current ſervice of the year and parliamentary grants, many additional duties were to be laid on ſundry importations. Six pounds per ton on all Spaniſh and French wines. Three pounds on all Portugal wines, and five pounds on all wines of other country growth.

To pay the national debt a loan was neceſſary, and Mr. Flood moved that the loan might be of *one hundred thouſand pounds*, and the reſt might be made up from ſavings and repayments. He was ſupported by Mr. Barry Barry, Mr. Ponſonby, Mr. Huſſey, Sir Lucius O'Brien, Sir William Mayne, &c. but was oppoſed by Sir George Macartney, Mr. Malone, Mr. Attorney General, Mr. Solicitor General, and Mr. Clements; the latter of whom declared, that there was but ten thouſand ſix hundred pounds remaining in the Treaſury.

Though the debate continued till near ten o'clock, yet none of the ſpeeches or arguments can be abridged, ſo as to give either amuſement or information to our readers; as they were all founded on calculations, ſome of which were admitted, and ſome controverted backwards and forwards. At length, the queſtion being put, whether the loan ſhould be *two* hundred thouſand pounds, or *one* hundred thouſand pounds, it paſſed for the former on a diviſion: *one hundred* and *twenty-ſix* being for the larger, and *ninety-ſix* for the leſſer ſum.

A committee was then appointed to prepare the Money Bill, and the Houſe adjourned to Monday.

Monday, Dec. 2.

This day the Houſe met, but did no buſineſs, being adjourned in leſs than an hour.

Proceedings on Tueſday, Dec. 3.

Dr. Clement being returned for the city of Dublin, he took the oaths and his ſeat in the Houſe. The Houſe being reſolved into a Committee, the heads of the money and loan bills were read and agreed to; and the Speaker having taken the chair, the Houſe received the report. The Marquis of Kildare preſented a petition againſt the erecting any new Bridge over the Liffey below Eſſex Bridge, &c. and the Houſe adjourned a little after five o'clock.

Proceedings on Wedneſday, Dec. 4.

The money and loan bills being gone through, the Houſe ordered Mr. Malone to carry them to the Caſtle, to be laid before the Privy Council, in order to their being tranſmitted

to

to England. Sir Lucius O'Brien then obſerved, that as the adminiſtration had been diſappointed in their favourite ſcheme, of the augmentation of Commiſſioners of the Revenue, they had hit upon a new ſcheme, of making a board of accounts under certain Commiſſioners, and the Houſe was moved to reſolve that ſuch a meaſure was *uſeleſs* and *unneceſſary:* inſtead of arguing it, a motion was made for adjournment. Mr. Malone declared, that as he was ordered by the Houſe to go up with the bills, he was for the adjournment of the debate on that motion till the next day, that the bills might not be delayed. Sir William Mayne urged, that the delay of one night might permit the laſt hand to be put to that meaſure, as he was well informed the King's letters for that purpoſe were come over, and actually in the Secretaries Office. Mr. Flood, Sir Lucius O'Brien, Mr. Hamilton, Sir Edward Newenham, and Mr. Huſſey, all called upon Sir George Macartney to declare whether ſuch letters were or were not come over; but he and the whole miniſterial Bench ſat ſullenly ſilent, and would not give any ſatisfaction on that head. Mr. Flood, to ſhew that it was not the intention of the gentlemen in the oppoſition to impede the progreſs of the money bill, moved to adjourn for one hour, to give Mr. Malone time to carry up the bills and return; but on a diviſion on the queſtion for adjournment till the next day, the ayes for the adjournment were ninety-ſix, the noes, eighty-ſix; and the Houſe adjourned a quarter before ſix.

Proceedings on Thurſday, Dec. 5.

The Houſe being met, the reſolution of Sir Lucius O'Brien, (poſtponed the preceding day) was moved for, and was debated for ſix hours.

Sir George Macartney ſaid, he was then at liberty to acquaint the Houſe, that the King's letters were come over to appoint a new board of accounts. This board to conſiſt of five commiſſioners, one at eight hundred, and four at five hundred pounds per annum, ſalaries. The debate then turned upon the expediency and neceſſity of the meaſure, and how able this nation was to bear the expence. Mr. Conolly ſpoke warmly againſt any encreaſe of expence; but, as during the courſe of the debate, many aſſertions were made on each ſide which were contradicted by the other; that gentleman moved that the Houſe ſhould reſolve itſelf into a committee next Wedneſday, for a ſolemn diſcuſſion of this important queſtion. This gave a new turn to the debate, which laſted till within a quarter of ten, when the queſtion

queſtion being put, the Houſe divided, and *one hundred and twenty-two* were for the committee, and *one hundred and fourteen* againſt it.

When the queſtion was thus carried, Mr. Dennis Daly, in a moſt ſpirited manner moved, that no member ſhould be abſent from the Houſe on Wedneſday next, without leave, and alſo, that there be a call of the Houſe on Tueſday, both of which were agreed to without any diviſion, and the Houſe adjourned. So that on Wedneſday next will be as ſolemn a debate and upon as important a ſubject as has been this ſeſſion. For which reaſon, and as the members will have the King's letters and all neceſſary papers before them, we ſhall not lay before the Public the arguments made uſe of on either ſide this day, as they will be again repeated on Wedneſday, with additional force, and additional information, and then they will appear with greater propriety.

On Friday and Saturday the Houſe was employed, for the ſhort time it ſat on each of thoſe days, in referring bills to private committees, with orders to report to the Houſe their proceedings.—On Friday the Houſe broke up a little after five, and on Saturday it broke up a little after four; having adjourned to next Tueſday.

Tueſday, Dec. 10.

The Houſe met, according to adjournment from laſt Saturday, and the members being called over, the defaulters names were taken down. Some reports were received from private committees, to whom heads of bills had been referred, and then the Houſe adjourned about five o'clock.

Proceedings on Wedneſday, Dec. 11.

When the Speaker had taken the chair, the order of Thurſday, Dec. 5, was read, for the Houſe to reſolve itſelf into a committee of the whole Houſe, to take into conſideration a motion for a reſolution concerning the new board of accounts; and the Speaker having left the chair, there was a great diſpute who ſhould be chairman of the committee. The courtiers were very ſtrenuous to have Sir Lucius O'Brien in the chair, hoping by that means to deprive the patriotic party, not only of a vote, but of one of its moſt forcible ſpeakers and beſt ſupports. The artifice was ſeen through, and retaliated by an endeavour to place Mr. Malone there; the contention was great for ſome time, but at laſt it was quieted on both ſides, by voting Mr. Connolly to be chairman.

The committee now opened, and the *expediency* of creating a new board of Commiſſioners, for ſettling the national accounts

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counts, was thoroughly canvaſſed, and bolted even to the bran. Sir George Macartney, Mr. Malone, Mr. Prime Serjeant, Mr. Attorney General, Mr. Solicitor General, Mr. Forteſcue, Mr. O'Hara, and Mr. Foſter, were the principal ſpeakers in behalf of the expediency, and even the abſolute neceſſity of ſuch a meaſure. The arguments they chiefly uſed were in ſubſtance as follows:

"There can be nothing more neceſſary for the intereſt of any nation, than that the monies granted by parliament ſhould be faithfully applied to the uſes for which they are appropriated, and neither embezzled, nor profuſely and careleſsly ſquandered away, nor applied to any other purpoſe: This being granted, as it is a poſition none can deny, how can any nation know whether the public money is well or ill diſpoſed of, if the accounts thereof are not clearly and honeſtly ſtated? It is true the public accounts are regularly brought into the Houſe, and laid before a committee of accounts, and are ſeemingly juſt, that is to ſay, the groſs ſums of each ſeveral account are ſtated, and the aggregate of the whole properly ſummed up; but how are we to know the juſt diſburſements of the ſeveral ſums, which make up the groſs ſums in ſuch accounts? They muſt be taken upon truſt, and the good opinion we entertain of the perſons who give them in, for ſundry of them, and very large ſums too, do not come under the inſpection of the preſent Commiſſioners of Accounts, nor the Auditor General, and indeed many capital articles have never been examined into, nor audited for 68 years. The laſt exact examination being in the year 1703.

"This being the caſe, it is certainly an abuſe to which ſome remedy ſhould be applied, and that remedy cannot be found in the preſent ſtate of the accounts. The preſent commiſſioners of accounts, are the Lord Chancellor, the Chancellor of the Exchequer, and the three Barons of the Exchequer. Theſe five indeed overlook and examine the accounts of the Vice Treaſurer, but are not authoriſed by their commiſſions to take notice of any other; nor if they were ſo authoriſed, could they find time to do it, the neceſſary duties of their reſpective offices taking up ſo much of their time, that they muſt either neglect the public accounts, or the public juſtice of the courts wherein they preſide. Thus the barrack accounts, the forrage accounts, the accounts for removal of ſoldiers, embarkations, ſtabling and lodging, and a number of other articles remain unſettled, and we have only general heads and groſs ſums to depend upon. The public

public may be defrauded with impunity, as thoſe who expend the money, for thoſe articles are ſubject to no diſquiſition, no controul. This is not meant as an inſinuation that any public officer has been guilty of any fraud or peculation, but ſince it is poſſible ſuch an evil may happen, it is neceſſary and expedient to provide againſt it; and this can be done only by a new Board of Commiſſioners, who having no other duty to perform, may apply themſelves to this.

" This meaſure therefore is very different from that of the new Commiſſioners of Cuſtoms and Exciſe. It was urged, that the buſineſs of the revenue had been done by a few, therefore there was no occaſion for an increaſe of their number—but here no man can ſay that the buſineſs has been done; on the contrary, it has been neglected for above threeſcore years. Therefore, thoſe gentlemen who voted againſt the new revenue board, may vote for this new board of accounts, without incurring the charge of inconſiſtency.

" It muſt be confeſſed, that ſome additional expence will accrue from this meaſure, but it is a neceſſary expence, that may be the ſaving of thouſands to the nation; and no man in private life will refuſe a ſalary to a ſteward, who, by overlooking his workmen, and examining his tradeſmen's bills, can prevent any overcharge for work not done, or goods not delivered."

Theſe arguments ſeemed very plauſible, till the ſpeciouſneſs of them was expoſed by the friends of their country. Mr. Flood, Mr. Huſſey, Sir Lucius O'Brien, Sir William Mayne, Sir Edward Newenham, Mr. Ponſonby, Mr. Cramer, &c. ſpoke to the following effect:

" At a time when this nation is oppreſſed with a heavy debt, burthened with taxes, loſing its trade, decreaſing in its revenue, and ſwarming with beggars, and multitudes of wretches, who are not able to procure the common neceſſaries of life; to add to its burthen by a needleſs expence, which this kingdom is unable to bear, can be deemed nothing but a wanton ſtretch of power, and a copying after the Egyptian taſk-maſters, in forcing us to make brick without ſtraw. The nation hath hitherto felt no inconvenience from the preſent mode of ſtating the public accounts. And if it has been ſo evil as the right honourable Gentlemen would make us believe—where has been the honeſty or the good policy of the Lords Lieutenant for ſixty-eight years to permit ſuch a growing evil—but we may acquit them; no evil appears to have accrued; and it would be the height of folly to be at the charge of nine thouſand pounds a year,

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for what in the ſeſſions of 1753 was done for only ſeven hundred and twenty pounds. The Gentlemen ſay, that the new commiſſioners are to go through all the cheſt full of vouchers, and other papers for *ſixty-eight years paſt*.—But pray to what end? ſuppoſe any fraud is found out, who can be puniſhed for it? Can we open graves to find offenders? Can we puniſh the dead? But they may ſay, perhaps, that we ought to guard againſt futurity; but cannot that be done without ſuch an enormous expence? The committee of accounts of this Houſe are the proper auditors of all public accounts; a few ſittings extraordinary will do the buſineſs. But by their new mode, here are four commiſſioners at five hundred a year each, wiſe men to be ſure they muſt be, and another commiſſioner, who muſt be a wiſer man than the reſt, is to have eight hundred pounds a year, that makes two thouſand eight hundred pounds per annum. Then there muſt be a ſecretary, and a number of clerks, houſes for the commiſſioners, and an office to do buſineſs; ſo that altogether will not coſt leſs than at the rate of nine thouſand a year, to do what a couple of honeſt clerks might do. But it is plain, it is only a deſign to increaſe dependents on government, and ſecure a majority. To provide for thoſe who were diſappointed by our Reſolution, againſt a new Board of Cuſtoms, and another of Exciſe. It were to be wiſhed, that we had the ſame law here as they have in Britain, which renders certain commiſſioners incapable to ſit in the Houſe. If this queſtion ſhould be divided in favour of this new Board, it is to be hoped, no members of this Houſe are named in the commiſſion, but if there are, it would be but decent in them to leave the Houſe while the queſtion is debated; for as they are intereſted, they ought not to be judges in a cauſe, wherein they are parties themſelves."

It is to be remarked, that on reading the King's letters, it appeared, although five commiſſioners named therein were members of the Houſe, viz. Charles O'Hara, Eſq; firſt commiſſioner, Gervaſe Parker Buſhe, Eſq; Major James St. John Jefferys, Eſq; Charles Tottenham, Eſq; and —— Tigh, Eſq; and that in the firſt debate, Sir William Mayne offered, with a true patriotic ſpirit, to execute the office of one of the commiſſioners himſelf without any fee or reward, an example too good to be followed by thoſe venal ſouls who will enjoy the places.

The debate laſted till near three o'clock in the morning, when the queſtion being put, the Houſe divided, and the numbers were againſt the Reſolution one hundred and twenty-four;

four; for the Resolution one hundred and nineteen. Thus the Court Party carried their point by a majority of only five, which majority does not shew the sense of the nation to be for the new Board, or that the courtiers have cause to exult, since the majority would not have appeared, had not Mr. Burry Barry, Mr. French, Poole, and several others, been absent by reason of sickness, and Counsellor Fitzgibbons being taken ill in the House: after he had spoken against the measure for near an hour, he was obliged to retire.

Such was the event of this grand debate, which lasted near twelve hours. The galleries were crouded more than has been observed this whole Session, most of whom, ladies as well as gentlemen, waited till the House adjourned.

To his Grace the Duke of GRAFTON.

WHAT is the reason, my lord, that, when almost every man in the kingdom, without distinction of principles or party, exults in the ridiculous defeat of Sir James Lowther, when good and bad men unite in one common opinion of that baronet, and triumph in his distress, as if the event (without any reference to vice or virtue) were interesting to human nature, your Grace alone should appear so miserably depressed and afflicted? In such universal joy, I know not where you will look for a compliment of condolance, unless you appeal to the tender sympathetic sorrows of Mr. Bradshaw. That cream-coloured gentleman's tears, affecting as they are, carry consolation along with them. He never weeps, but, like an April shower, with a lambent ray of sunshine upon his countenance.—From the feelings of honest men, upon this joyful occasion, I do not mean to draw any conclusion to your Grace. *They* naturally rejoice, when they see a signal instance of tyranny resisted with success;—of treachery exposed to the derision of the world;—an infamous informer defeated, and an impudent robber dragged to the public gibbet,—But, in the *other* class of mankind, I own I expected to meet the Duke of Grafton. Men, who have no regard for justice, nor any sense of honor, seem as heartily pleased with Sir James Lowther's well-deserved punishment, as if he did not constitute an example against themselves. The unhappy baronet has no friends, even among those who resemble him. You, my Lord, are not yet reduced to so deplorable a state of dereliction. Every villain in the kingdom is your friend, and,

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and, in compliment to such friendship, I think you should suffer your dismal countenance to clear up. Besides, my Lord;—I am a little anxious for the consistency of your character. You violate your own rules of decorum, when you do not insult the man, whom you have betrayed.

The divine justice of retribution seems now to have begun its progress. Deliberate treachery intails punishment upon the traitor. There is no possibility of escaping it, even in the highest rank, to which the consent of society can exalt the meanest and worst of men. The forced, unnatural union of Luttrell and Middlesex, was an omen of another unnatural union, by which indefeasible infamy is attached to the House of Brunswick. If one of those acts was virtuous and honourable, the best of princes, I thank God, is happily rewarded for it by the other. Your Grace, *it has been said*, had some share in recommending Colonel Luttrell to the King;—or was it only the gentle Bradshaw, who made himself answerable for the good behaviour of his friend? An intimate connexion has long subsisted between him and the worthy Lord Irnham. It arose from a fortunate similarity of principles, cemented by the constant mediation of their common friend Miss Davies.

Yet I confess I should be sorry that the opprobrious infamy of this match should reach beyond the family. We have now a better reason than ever to pray for the long life of the best of Princes, and the welfare of his Royal *Issue*.—I will not mix any thing ominous with my prayers; but let parliament look to it. A *Luttrell* shall never succeed to the crown of England.—If the hereditary virtues of the families deserve a kingdom, Scotland will be a proper retreat for them.

The next is a most remarkable instance of the goodness of providence. The just law of retaliation has at last overtaken the little contemptible tyrant of the North. To the son-in-law of your dearest friend the Earl of Bute, you meant to transfer the Duke of Portland's property; and you hastened the grant, with an expedition unknown to the treasury, that he might have it time enough to give a decisive turn to the election for the county. The immediate consequence of this flagitious robbery was that he lost the election, which you meant to insure to him, and with such signal circumstances of scorn, reproach, and insult, (to say nothing of the general exultation of all parties) as, (excepting the King's brother-in-law Colonel Luttrel, and old *Simon* his father-in-law) hardly ever fell upon a gentleman in this country.—In the event, he loses the very property, of which he thought he

had gotten poſſeſſion; and after an expence, which would have paid the value of the land in queſtion twenty times over. —The forms of villainy, you ſee, are neceſſary to its ſucceſs. Hereafter you will act with greater circumſpection, and not drive ſo directly to your object. To *ſnatch a Grace*, beyond the reach of common treachery, is an exception, not a rule.

And now, my good Lord, does not your conſcious heart inform you, that the juſtice of retribution begin to operate, and that it may ſoon approach your perſon?—Do you think that *Junius* had renounced the Middleſex election?—Or that the King's timber ſhall be refuſed to the royal navy with impunity?—Or that you ſhall hear no more of the ſale of that patent to *Mr. Hine*, which you endeavoured to ſkreen by ſuddenly dropping your proſecution againſt *Samuel Vaughan*, when the rule againſt him was made abſolute?—I believe indeed there never was ſuch an inſtance in all the hiſtory of negative impudence.—But it ſhall not ſave you.—The very ſunſhine you live in is a prelude to your diſſolution. When your are ripe, you ſhall be plucked.

JUNIUS.

P. S. I beg you will convey to our gracious maſter my humble congratulations upon the glorious ſucceſs of peerages and penſions, ſo laviſhly diſtributed as the rewards of Iriſh virtue.

From the Public Advertiſer, Nov. 27.

For the POLITICAL REGISTER.

THERE are times when the mind is ſo incapable of judging rightly, and when all its faculties are ſo entirely depraved by prejudice and paſſion, that the qualities, which ordinarily conſtitute its beſt contentment, ceaſe to pleaſe, and truth, wiſdom, and virtue, courting as under every appearance of beauty and attraction, are beheld with indifference, or rejected with deteſtation.

Political and religious zeal have ever been the grand cauſes of this ſubverſion of the underſtanding, and the Hiſtory of every Nation furniſhes a variety of proofs of the diſmal effects of it. But the madneſs is only for a ſeaſon. As the paſſions ſubſide, the mind gradually recovers from its illuſions, and becomes itſelf again. So it ſhall be with us in *our* days of diſtraction; and already we ſee, with comfort, the dawn of reaſon ariſing upon us. What miſchief has the ſtate ſuffered? what dangers threaten it? who are moſt intereſted

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interested in its preservation? These are questions, which, in the mouth of patriotism, mark the return of judgment, and shew recovery to be near at hand: for the solution of them will allay our mistaken resentments, dispel our vain fears, lead us to confide in the government, which is our protection, and instruct us to be jealous only of those who labour to disturb it.

Nine years are elapsed since Wilkes became a patriot, by insulting the laws, and libelling half the kingdom; a period in which we have been blessed with a variety of administrations, and have seen by turns the champions of Liberty become good servants of the Crown, and discarded ministers the defenders of the people's rights; yet every administration, I think, has left the constitution much in the same state, in which the care of it was committed to them, and the present, when at last *their* power shall dissolve, will probably resign it in the same manner.

The Middlesex election (I beg pardon for ever glancing on a subject, of which the world has been so long tired) was a question of much difficulty: to arrive at any degree of certainty in it, required a deeper knowledge of the constitution and rights of parliament, and of the force of the contending claims of member and constituent than men, in general, are possessed of. Those, however, who were most capable of forming an opinion upon it, the Few, who, when the storm was up, and the whirlwind gathered about them, could deliberate at ease, in the retirement of the study, and judge with candour on the whole of the argument, those, I say, have generally taken the side of parliament, and have gone along with the majority in the three great stages of the question, the Expulsion, the Incapacity, and the Exclusion of the choice of the Freeholders. Yet it is confessedly a matter of much nicety, and men the best intentioned might differ upon it. I contend only, that each party might be sincere in their opinions, and that the majority decided at least with as much impartiality as their opponents. In such a question, to ascribe to these the merit of honest determination, and to charge the others with corruption, usurpation of privilege, and voluntary breach of the constitution, is an injustice, which, however the rage of party may be urged in excuse of it, is scarce to be forgiven. But the noise on this occasion was too loud to be distinct, and has served only to shew in our own times, what the History of all others abundantly testifies, that it is much easier for a people to rail than to reflect, and to fret and vex themselves, than to understand

the cauſe of their diſquiet. However juſt indeed may be the principle, that thoſe only be loud in clamour who are ſtrong in argument; it is ſeldom met with in the world; and in queſtions which moſt concern us is leaſt to be expected. We muſt conſole ourſelves in theſe caſes with reflecting, that the noiſe is not miſchievous: it is like the thunder which rattles in the clouds, and ends in nothing.

The commitment of the two ſimpletons to the Tower was an inevitable aſſertion of the beſt eſtabliſhed privilege of parliament, and the only injury which the ſtate could have ſuffered in their caſe, would have been their impunity.

Theſe are the great offences which the declaimers on the ſide of faction have chiefly deſcanted upon; and now that their noiſe is heard no more, and we can aſk ourſelves, What has happened? we find, in one inſtance, a difficult point in government fairly determined; in the other, a clear right aſſerted with becoming ſpirit.

In ſhort, after all our alarms, the conſtitution is as ſound as before, and is likely to remain ſo if patriotiſm will be quiet. The preſent ſet of miniſters, I am ſure, can have no temptation to invade it. They enjoy what they are believed moſt to affect, and are ripening in the ſunſhine of the king's favour, poſſeſſing all the good things of the land, and bleſſed with the proſpect of long poſſeſſion. Will theſe men, by attempting aught againſt the conſtitution, diſturb the government, which gives them their hearts deſire; and introduce confuſion and uproar at the expence of their ſecurity, at the riſk of their proſperity and honours, and at the peril of their heads? It is folly to ſuppoſe it.

The ſame argument applied to the king operates, if poſſible, with ſtill greater force; and it cannot be conceived by thoſe who maintain his happineſs, and that of his people to be inſeparable, that while he regards one, he will intrude on and violate the other. As his intereſt obliges him thus to go hand in hand with the public proſperity, there is nothing in the condition of the times which can ſeduce him from it.

The cauſes which have formerly ſet variance between prince and people in this country, have happily ceaſed. We have a king who reigns over a weak, an unarmed nobility, and over a people poſſeſſed of freedom; when the limits of prerogative are clearly underſtood, and chearfully ſubmitted to; when religion has dropped her rage, and ſmoothed her brow of terror; when ſhe neither rules the mind with bigotted affections to old ſyſtem, nor entangles it in the perplexities of new, when her ways are indeed pleaſant, and her

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path is peace. For the ſecurity of the bleſſings, which reſult from ſo happy a temper of religious and civil government, we have a king armed with a well-adjuſted ſtrength, which defies the rage of faction, without controuling the ſpirit of a free people. Able to defend, he is only without power to deſtroy the conſtitution which he loves.

LIBRA.

For the POLITICAL REGISTER.

To Lord NORTH.

My Lord,

HIS Majeſty is peculiarly happy in the choice of his miniſters. Ever ſince his acceſſion, it ſeems to have been a ſettled maxim to revolt the minds of his ſubjects. For ſuch a purpoſe it was generally thought, that he could not pitch upon a properer perſon than your friend, the Duke of Grafton. Your virtues were not yet ſufficiently known.

His ſucceſs in alienating the affections of Engliſhmen from their ſovereign, ſeemed to mark him out as the natural director of our preſent councils. His majeſty is a man of ſagacity, and ſaw farther than his people. Conſcious of your ſuperior merit, he bade your ſtar aſcend, and eclipſe that of your predeceſſor. I give him joy. You have anſwered his expectations. Ireland is in a flame; and he may now hug himſelf in the thought, that every part of his dominions groans under the iron rod of oppreſſion. He is a pious prince, and would, no doubt, wiſh to give his ſubjects an opportunity of ſhowing their piety and reſignation to the diſpenſations of Providence. Ireland now preſents ſuch a ſcene; and you may with an air of triumph turn to your *Royal maſter*, and pointing to this harraſſed land exclaim, "Behold, my liege, theſe are the works of my hand."

To minds like yours, this tragedy will be a rich feaſt. I think I ſee you, in imitation of Seneca's gods, enjoying the diſtreſſes of Ireland, and viewing with pleaſure its *great men ſtruggling with the ſtorms of fate*. But let me aſk you, my lord, whether your pleaſure is pure and unmixed? Is not the ſweet a little daſhed with the bitter? How do you reliſh the affront put by the Iriſh parliament upon your Mercury in bronze? Upon what fund will you now quarter Jeremiah's miſtreſs? The Civil Liſt can bear no new incumbrance. It is already three quarters in arrears; and the diſ-

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treſſed beef-eaters having applied to you in vain, are obliged to ſell their wages at an unreaſonable diſcount.

But why do I talk of the miſery of the houſhold to you, who are not touched with that of the King? While his miniſter wallows in riches, he is ſurrounded with poverty. In vain are half-millions voted without any account by your complaiſant friends in the Lower Houſe. They are only nominal tranſfers, like thoſe of the Eaſt-India directors, when they would carry a queſtion. The whole ſhower of gold ſoon returns into the ocean, out of which it was firſt exhaled, and leaves the region of royalty dry and barren. But I ſuppoſe he means to copy the example of Cyrus, a prince of pious memory, who thought his riches better lodged in the hands of his friends than in his treaſuries. The argument is ſpecious. I would only adviſe him to enquire, whether the friends of Cyrus were Norths, Graftons, and Sandwiches? Certainly it is not upon record, that they ever induced him to render the provinces of his empire diſaffected, by the multiplication of uſeleſs placemen. By what arguments, my lord, did you convince your ſovereign, that twelve commiſſioners were neceſſary for collecting thoſe revenues, which did not afford ſufficient employment to ſeven? Was it by that arithmetic which you introduced into the deciſion of the Middleſex election? The event may ſatisfy his majeſty that national characters change, and that the confuſion of ideas once charged upon Ireland, is now more juſtly predicated of England.

You did not expect that the Hibernian patriots would have had perſeverance and penetration enough to expoſe the fallacious eſtimate laid before the parliament. The facility with which the Britiſh ſenate has paſſed more fallacious accounts, had put you off your guard. This reverſe will certainly render you more cautious for the future, if, after ſuch manifeſt detection, you can ſtand your ground. But why ſhould I ſuſpect your downfal? We are taught by uniform experience, that notorious corruption is the *beſt* recommendation to the *beſt* of *****. Had not your fortune been already made by the plunder of the widow and orphan in the Alley, this act would have made him open with a liberal hand—the purſes of his ſubjects. It is, when they meditate impeachments, that he thinks of rewards.

BRUTUS.

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THE

POLITICAL REGISTER.

For FEBRUARY, 1772.

NUMBER LX.

To the Printer of the Political Regiſter.

SIR,

A copy of the family-compact having lately fallen into my hands, I could not recollect that it had ever appeared in Engliſh, and therefore as not unintereſting to politicians in general, and of an alarming nature to many European powers, I took the trouble to tranſlate it, which I ſend for inſertion, together with a copy of the original: Your Regiſter, I believe, is calculated for keeping ſuch pieces on record.

In the name of the moſt holy and undivided Trinity, the Father, Son, and Holy Ghoſt. Amen.

THE ties of blood, which unite the two monarchs that reign in France and Spain, and the private ſentiments they are animated with for each other, and of which they have given ſo many proofs, have engaged his moſt Chriſtian majeſty, and his Catholic majeſty, to determine and conclude between

Au nom de la Trés-Sainte & Indiviſible Trinité, Pere, Fils et Saint-Eſprit Ainſi-ſoit-il.

Les liens du ſang, qui uniſſent les deux Monarques qui régnent en France & en Eſpagne, & les ſentimens particuliers dont ils ſont animés l'un pour l'autre, & dont ils ont donné tant de preuves, ont engagé S. M. Trés-Chrétienne

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between them, a treaty of friendſhip and union, under the denomination of the Family-Compact; the principal object whereof, is to render permanent and indiviſible, as well for their ſaid Majeſties, as for their deſcendants and ſucceſſors, the obligations which are a natural conſequence of conſanguinity and friendſhip. The intention of his moſt Chriſtian majeſty and of his Catholic majeſty, in contracting the engagements they have taken upon them by this treaty, is to perpetuate in their poſterity, the ſentiments of Lewis XIV. of glorious memory, their common and auguſt great grandfather, and to make for ever to ſubſiſt a ſolemn monument of the reciprocal intereſt that ought to be the baſis of the deſires of their hearts, and of the proſperity of their royal families.

In this view, and for attaining ſo good and ſalutary a purpoſe, his moſt Chriſtian and his Catholic majeſty, have given their full powers, to wit, his moſt Chriſtian majeſty to the Duc de Choiſeul, Peer of France, Knight of his orders, and Lieutenant-General of his armies, Governor of Touraine, Grand-Maſter, and Superintendant-General of the Couriers, Poſts and Relays of France, Miniſter and Secretary of State, having the department of foreign affairs and of war: and his Catholic majeſty to the Marquis of Grimaldi, Gentleman of his Chamber, with exerciſe, and his Ambaſſador Extraordinary to the moſt Chriſtian king; who being informed of the diſpoſitions of their reſpective ſovereigns, and after communicating to each other their full powers, have agreed on the following articles.

ARTICLE

Chrétienne & S. M. Catholique d'arrêter & de conclure entre elles un traité d'amitié & d'union, ſous la dénomination de Pacte de Famille, & dont l'objet principal eſt de rendre permanens & indiviſibles, tant pour leurs dites majeſtés que pour leurs deſcendans & ſucceſſeurs, les devoirs qui ſont une ſuite naturelle de la parenté & de l'amitié. L'intention de S. M. très-Chrétienne & de S. M. Catholique en contractant les engagemens qu'elles prennent par ce traité, eſt de perpétuer dans leur poſtérité les ſentimens de Louis XIV. de glorieuſe mémoire, leur commun & auguſte bisayeul, & de faire ſubſiſter à jamais un monument ſolemnel de l'intérêt réciproque qui doit être la baſe des deſirs de leurs coeurs & de la proſpérité de leurs familles royales.

Dans cette vue & pour parvenir à un but ſi convenable & ſi ſalutaire, L. L. M. M. Très-Chr. & Cath. ont donné leurs pleins-pouvoirs; ſçavoir, S. M. Très-Chr. au Duc de Choiſeul, Pair de France, Chevalier de ſes Ordres & Lieutenant-Général des Armées de S. M. Gouverneur de Touraine, Grand-Maitre & Sur-Intendant-Général des Couriers, Poſtes & Relais de France, Miniſtre & Secrétaire d'Etat, ayant le département des affaires étrangeres & de la guerre: & S. M. Catholique, au Marquis de Grimaldi, Gentilhomme de ſa Chambre, avec exercice, & ſon Ambaſſadeur-Extraordinaire auprès du Roi Très-Chrétien: leſquels étant informés des diſpoſitions de leurs Souverains reſpectifs, & après s'etre communiqué leurs pleins-pouvoirs, ſont convenus des articles ſuivans.

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ARTICLE I.

The moſt Chriſtian king, and the Catholic king, declare, that in virtue of their intimate ties of conſanguinity and friendſhip, and on account of the union they contract by the preſent treaty, they will for the future conſider as their enemy, any power that ſhall become the enemy of one or other of the two crowns.

II. The two contracting kings guarantee reciprocally, in the moſt abſolute and authentic manner, all the ſtates, lands, iſlands and places, they poſſeſs in any part of the world, without reſerve or exception; and the poſſeſſions, the object of their guarantee, are to be conſtituted, purſuant to the actual ſtate wherein they are, as ſoon as either crown ſhall be at peace with all other powers.

III. His moſt Chriſtian majeſty and his Catholic majeſty, grant the ſame abſolute and authentic guarantee to the King of the Two Sicilies, and to the Infant Don Philip, Duke of Parma, for all the ſtates, countries and places they poſſeſs; providing that his Sicilian majeſty, and the ſaid Infant Duke of Parma, ſhall likewiſe guarantee on their part, all the ſtates and dominions of his moſt Chriſtian majeſty, and of his Catholic majeſty.

IV. Tho' the inviolable and mutual guarantee, whereby his moſt Chriſtian majeſty and his Catholic majeſty bind themſelves, ought to be maintained and ſupported by their whole

 power

ARTICLE PREMIER.

Le Roi Très-Chrétien & le Roi Catholique déclarent qu'en vertu de leurs intimes liaiſons de parenté & d'amitié, & pour l'union qu'ils contractent par le préſent traité, ils regarderont à l'avenir comme leur ennemie toute puiſſance qui le deviendra de l'une ou de l'autre des deux couronnes.

II. Les deux rois contractans ſe garantiſſent réciproquement de la maniere la plus abſolue & la plus autentique tous les etats, terres, iſles & places qu'ils poſſedent dans quelque partie du monde que ce ſoit, ſans aucune réſerve ou exception; & les poſſeſſions, objet de leur garantie, ſeront conſtituées, ſuivant l'état actuel où elles ſeront au premier moment où l'une & l'autre couronne ſe trouveront en paix avec toutes les autres puiſſances.

III. S. M. Très-Chrétienne & S. M. Cath. accordent la même garantie abſolue & autentique au Roi des Deux-Siciles & à l'Infant Don Philippe Duc de Parme, pour tous les etats, pays et places qu'ils poſſedent; bien entendu que S. M. Sicilienne & ledit Infant Duc de Parme garantiront auſſi de leur part tous les etats, domaines de S. M. Très-chrétienne & de S. M. catholique.

IV. Quoique la garantie inviolable & mutuelle à laquelle L. L. M. M. Très-chrét. & catholique s'engagent, doive être ſoutenue de toute leur puiſſance, & que leurs majeſtés l'entendent ainſi d'après le principe, qui eſt

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power, their majeſties ſo underſtanding it, according to the principle, the foundation of this treaty, 'that whoever attacks one crown, attacks the other;' yet the two contracting parties have judged it adviſable to aſcertain the firſt ſuccours, which the required power ſhall be obliged to furniſh the requiring power with.

V. It is ſtipulated and agreed between the two kings, that the crown required to furniſh the ſuccours, ſhall have in one or ſeveral of its ports, three months after the requiſition, twelve armed ſhips of the line, and ſix frigates, at the entire diſpoſal of the requiring court.

VI. The required power ſhall have in the ſame ſpace of three months, at the diſpoſal of the requiring power, eighteen thouſand foot and ſix thouſand horſe, if France be the required power; and Spain, in caſe of being the required power, ten thouſand foot and two thouſand horſe. In this difference of number, a conſideration has taken place in regard to the greater number of troops in the actual pay of France, than thoſe maintained by Spain; but if it ſhould happen hereafter, that there was an equal number of troops on foot on both ſides, the obligation would then be equally binding to furniſh reciprocally the ſame number. The required power engages to aſſemble its quota, and keep it in readineſs for its deſtination, yet without immediately ſending it forth from its ſtates, but ſtationing it in that part of its ſtates as ſhall be directed by the requiring party, that it may lie there

le fondement de ce traité: Qui attaque une couronne, attaque l'autre; cependant les deux parties contractantes ont jugé à propos de fixer les premiers ſecours, que la puiſſance requiſe ſera tenue de fournir à la puiſſance requérante.

V. Il eſt convenu entre les deux Rois, que la couronne, qui ſera requiſe de fournir le ſecours, aura dans un ou pluſieurs de ſes ports trois mois après la réquiſition, douze vaiſſeaux de ligne & ſix frégates armées à la diſpoſition entiere de la cour requérante.

VI. La puiſſance requiſe tiendra dans le même eſpace de trois mois à la diſpoſition de la puiſſance requérante 18 mille hommes d'infanterie & 6 mille hommes de cavalerie, ſi la France eſt la puiſſance requiſe; & l'Eſpagne dans le cas où elle ſeroit la puiſſance requiſe 10 mille hommes d'infanterie & deux mille de cavalerie. Dans cette différence de nombre on a eu égard à celle qui ſe trouve entre les troupes que la France a actuellement ſur pied, & celles qui ſont entretenues par l'Eſpagne. Mais s'il arrivoit dans la ſuite, que le nombre de troupes ſur pied fut égal de part & d'autre, l'obligation ſeroit dès-lors pareillement égale de fournir réciproquement le même nombre. La puiſſance requiſe s'engage à aſſembler celui qu'elle devra fournir & à le mettre à portée de ſa deſtination, ſans cependant le faire d'abord ſortir de ſes etats, mais de le placer dans la partie des etats qui ſera

there more convenient for the enterprize, or the object for which the said troops shall be demanded; and as this stationing and destination must be preceded by some embarkation, navigation, or marching of troops by land, the whole is to be at the expence of the required power, to which the said succours shall belong as a property.

VII. As to what also regards the difference of the said number of troops to be furnished, his Catholic majesty excepts the case wherein they might be necessary for defending the dominions of the king of the Two Sicilies, his son, or those of the Infant duke of Parma, his brother; so that acknowledging the obligation by preference, though voluntary, which the ties of blood should then lay him under, the Catholic king promises in these two cases, to furnish the succours of eighteen thousand foot and six thousand horse, and even all his forces, without requiring any thing from his most Christian majesty, but the number of troops above stipulated, and the endeavours his tender friendship for the princes of his blood might inspire him to do in their favour.

VIII. His most Christian majesty excepts likewise on his side, the wars wherein he might enter or take part, in consequence of the engagements he has contracted by the treaties of Westphalia, and other alliances with the powers of Germany and the North; and considering that the said wars cannot concern in any thing the crown of Spain, his most Christian majesty promises to require no succours from the Catholic king, unless some maritime powers should take part in the said wars, or the events should prove so contrary to France, as to be attacked in her own country by land; and in

indiquée par la partie requérante, afin qu'il y soit plus à portée de l'entreprise, ou objet pour lequel elle demandera les dites troupes; & comme cet emplacement devra être précédé de quelque embarquement, navigation ou marche des troupes par terre, le tout s'exécutera aux fraix de la puissance requise, à qui ledit secours appartiendra en propriété.

VII. Quant à ce qui regarde la différence dudit nombre des troupes à fournir S. M. cath. excepte le cas où elles seroient nécessaires pour défendre les domaines du Roi des Deux-Siciles, son fils, ou ceux de l'Infant Duc de Parme, son frere; de sorte que reconnoissant l'obligation de préférence, quoique volontaire, que les liens du sang & de la proche parenté lui imposeroient alors, le Roi cath. promet dans ces deux cas de fournir le secours de 18 mille hommes d'infanterie & de 6 mille de cavalerie, & même toutes ses forces sans rien exiger de S. M. Très-chrétienne que le nombre de troupes ci-dessus stipulé, & les efforts que sa tendre amitié pour les princes de son sang pourra lui inspirer de faire en leur faveur.

VIII. S. M. Très-chrétienne excepte aussi de son côté les guerres, dans lesquelles elle pourroit entrer ou prendre part en conséquence des engagemens qu'elle a contractés par les traités de Westphalie & autres alliances avec

in this laſt caſe, his Catholic majeſty promiſes the moſt Chriſtian king, to furniſh him, without any exception, not only with the ſaid ten thouſand foot and two thouſand horſe, but alſo to extend, in caſe of neceſſity, this ſuccour to eighteen thouſand foot and ſix thouſand horſe, in the manner his moſt Chriſtian majeſty has ſtipulated to ſupply the Catholic king; his Catholic majeſty engaging, if it ſhould ſo happen, to pay no regard to the diſproportion between the land forces of France and thoſe of Spain.

IX. It ſhall be free to the requiring power, to ſend one or ſeveral commiſſioners, choſen among their ſubjects, to be certain of themſelves that the required power has aſſembled in three months, reckoning from the requiſition, and has in one or ſeveral of its ports the twelve armed ſhips of the line, and ſix frigates, as well as the ſtipulated number of land troops, all ready for marching.

X. The ſaid ſhips, frigates and troops, are to act according to the will of the power that ſhall have an occaſion for, and ſhall have demanded them, and the required power ſhall make but one only repreſentation on the motives or objects alledged and pointed out for the employment of the ſaid land and ſea forces.

XI. What-

avec les puiſſances d'Allemagne & du nord; & conſidérant que leſdites guerres ne peuvent intéreſſer en rien la couronne d'Eſpagne, S. M. Trés-Chrétienne promet de ne point exiger aucun ſecours du Roi Catholique, à moins cependant, que quelques puiſſances maritimes ne priſſent part auxdites guerres, ou que les evénemens ne fuſſent ſi contraires à la France qu'elle ſeroit attaquée dans ſon propre pays per terre; & dans ce dernier cas S. M. Cath. promet au Roi Trés-Chr. de lui fournir ſans aucune exception non ſeulement les ſuſdits 10 mille hommes d'infanterie & 2000 de cavalerie, mais auſſi de porter, en cas de beſoin, ce ſecours juſqu'à 18 mille hommes d'infanterie & 6 mille de cavalerie, ainſi qu'il a été ſtipulé par rapport au nombre à fournir au Roi Catholique par S. M. T. C. ſa majeſté cath. s'engageant, ſi le cas arrive, de n'avoir aucun égard á la diſproportion qui ſe trouve entre les forces de terre de la France & celles de l'Eſpagne.

IX. Il ſera libre à la puiſſance requérante d'envoyer un ou pluſieurs commiſſaires choiſis parmi les ſujets, pour s'aſſurer par eux-mêmes que la puiſſance requiſe a raſſemblé dans les 3 mois, à compter de la réquiſition, & tient dans un ou pluſieurs de ſes ports les 12 vaiſſeaux de ligne & 6 frégates armées en guerre, ainſi que le nombre ſtipulé des troupes de terre, le tout prêt à marcher.

X. Leſdits vaiſſeaux, frégates & troupes agiront, ſelon la volonté de la puiſſance, qui en aura beſoin & qui les aura demandés, ſans que ſur les motifs ou ſur les objets indiqués pour l'emploi deſdites forces de terre & de mer, la puiſſance requiſe puiſſe faire plus d'une ſeule & unique repréſentation.

XI. La

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XI. Whatever here has been agreed upon, ſhall take place every time the requiring power may aſk ſuccours for ſome offenſive or defenſive enterprize by land or ſea, of immediate execution, and ought to be underſtood in the caſe, when the ſhips and frigates of the required power repair to ſome port of its ſtates, becauſe it will then be ſufficient to keep its land and ſea forces ready, in the parts of its dominions ſpecified by the requiring power, as uſeful to its views.

XII. The demand which one of the two ſovereigns makes on the other for the ſuccour ſtipulated by the preſent treaty, ſhall be ſufficient for aſcertaining the want on one part, and the obligation on the other, of furniſhing the ſaid ſuccours, without its being neceſſary to enter into any manner of explanation, on any pretext whatſoever, to elude the moſt prompt and the moſt perfect execution of this engagement.

XIII. In conſequence of the foregoing article, the diſcuſſion of the offenſive and defenſive caſe cannot take place in regard to the twelve ſhips, the ſix frigates, and the land forces to be furniſhed, as theſe forces are to be conſidered in all caſes, "and three months after the requiſition," as belonging in property to the power that ſhall have required them.

XIV. The power that furniſhes the ſuccours, either in ſhips and frigates, or troops, ſhall pay them wherever its ally ſhall make them act, as if theſe forces were employed directly for itſelf; and the requiring power ſhall be obliged, whether the ſaid ſhips, frigates, or troops, remain for a long or ſhort time

XI. Ce qui vient d'être convenu, aura lieu toutes les fois que la puiſſance requérante demanderoit les ſecours pour quelque entrepriſe offenſive ou défenſive de terre ou de mer, d'une exécution immédiate, & doit s'entendre pour le cas où les vaiſſeaux & frégates de la puiſſance requiſe iroient s'établir dans quelque port de ſes etats, puiſqu'il ſuffira alors, qu'elle tienne ſes forces de terre & de mer prêtes dans les endroits de ſes domaines qui ſeront indiqués par la puiſſance requérante, comme plus utiles à ſes vues.

XII. La demande que l'un des deux ſouverains fera à l'autre des ſecours ſtipulés par le préſent traité, ſuffira pour conſtater le beſoin d'une part & l'obligation de l'autre, de fournir ledit ſecours, ſans qu'il ſoit néceſſaire d'entrer dans aucune explication, de quelque eſpece qu'elle puiſſe être, ni ſous quelque prétexte que ce ſoit, pour éluder la plus prompte & la plus parfaite exécution de cet engagement.

XIII. En conſéquence de l'article précédent, la diſcuſſion du cas offenſif & défenſif ne pourra point avoir lieu par rapport aux douze vaiſſeaux, aux 6 frégates, & aux troupes de terre à fournir, ces forces devant être regardées dans tous les cas, & trois mois après la requiſition, comme appartenant en propriété à la puiſſance, qui les aura requiſes.

XIV. La puiſſance, qui fournira le ſecours, ſoit en vaiſſeaux & frégates ſoit en troupes, les payera par-tout où ſon allié les fera agir, comme ſi ces forces étoient employées directement pour elle-même; & la puiſſance requérante ſera obligée, ſoit que leſdits vaiſſeaux, frégates ou troupes reſtent peu

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time in the ports, to provide for them all neceſſaries, at the ſame price as if they were its own, and to make them enjoy the ſame prerogatives and privileges, its own troops enjoy. It has been agreed, that in no wiſe the ſaid ſhips or troops ſhall be at the charge of the power to which they are ſent, and that they ſhall remain at its diſpoſal, during the continuance of the war in which it ſhall have engaged.

XV. The moſt Chriſtian king and the Catholic king, bind themſelves to keep compleat and well armed the ſhips, frigates and troops, which their majeſties are to furniſh reciprocally; ſo that as ſoon as the required power ſhall have furniſhed the ſuccours ſtipulated by the articles V. and VI. of the preſent treaty, it ſhall procure the fitting out and arming in its ports of a ſufficient number of ſhips, for immediately replacing thoſe which may be loſt from accidents of the war or ſea; and the ſame power ſhall equally keep ready the recruits, and the neceſſary repairs for the land troops it ſhall have furniſhed.

XVI. The ſuccours ſtipulated in the foregoing articles, purſuant to the time and manner ſet forth, are to be conſidered as an obligation inſeparable from the ties of conſanguinity and friendſhip, and the intimate union the two contracting monarchs deſire to perpetuate among their deſcendants; and theſe ſtipulated ſuccours are what the required power can leaſt do for the power that ſhall have an occaſion for them: but as the intention of the two kings is, that war commencing for or againſt one of the two crowns, ought to become peculiar and perſonal to the other, it is agreed and determined, that

ou long-tems dans les ports, de les faire pourvoir de tout ce dont elles auront beſoin au même prix que ſi elles lui appartenoient en propriété, & à les faire jouir des mêmes prérogatives & priviléges, dont jouiſſent ſes propres troupes. Il a été convenu, que dans aucun cas leſdits vaiſſeaux ou troupes ne pourront être à la charge de la puiſſance, à qui ils ſeront envoyés, & qu'ils ſubſiſteront à ſa diſpoſition pendant toute la durée de la guerre dans laquelle elle ſe trouvera engagée.

XV. Le Roi T. chr. & le Roi cath. s'obligent à tenir complets & bien armés les vaiſſeaux, frégates, & troupes, que L. L. M. M. ſe fourniront réciproquement; de ſorte qu'auſſitot que la puiſſance requiſe aura fourni les ſecours ſtipulés par les art. 5 and 6 du préſent traité, elle fera armer dans ſes ports un nombre ſuffiſant de vaiſſeaux pour remplacer ſur le champ ceux qui pourroient être perdus par les événemens de la guerre ou de la mer: cette même puiſſance tiendra également prêtes les recrues & les réparations néceſſaires pour les troupes de terre qu'elle aura à fournir.

XVI. Les ſecours ſtipulés dans les art. précédens ſelon le tems & la maniere qui a été expliquée, doivent être conſidérés comme une obligation inſéparable des liens de la parenté & amitié & de l'union intime que les deux monarques contractans deſirent de perpétuer entre leurs deſcendans; & ces

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that as ſoon as the two kings ſhall engage in a war, declared againſt the ſame enemy or enemies, the obligation of the ſaid ſtipulated ſuccours ſhall ceaſe, and in lieu thereof, for the two crowns ſhall ſucceed the obligation of waging war conjointly, by employing in it all their forces; and for this purpoſe, the two high contracting parties ſhall then ſtipulate between them particular agreements, relative to the circumſtances of the war in which they are engaged, and ſhall concert their efforts, and their reſpective and reciprocal advantages, as alſo their military and political plans and operations; and theſe agreements being ratified, the two kings ſhall execute them together, and with one common and perfect accord.

XVII. His moſt Chriſtian and his Catholic majeſty engage and promiſe, in caſe of being at war, neither to execute, nor make any propoſal of peace, nor treat of, nor conclude any with their enemy or enemies, but with one common accord and mutual conſent, and to communicate reciprocally whatever might come to their knowledge, which ſhould intereſt the two crowns, and in particular the object of the pacification; ſo that in war, as well as in peace, each of the two crowns ſhall conſider as its own intereſts, thoſe of the crown its ally.

XVIII. Con-

ſecours ſtipulés ſeront ce que la puiſſance requiſe pourra faire de moins pour la puiſſance qui en aura beſoin. Mais comme l'intention des deux Rois eſt que la guerre commençant pour ou contre l'une des deux couronnes, doit devenir propre & perſonelle à l'autre, il eſt convenu que dès que les deux Rois ſe trouveront en guerre déclarée contre le même ou les mêmes ennemis, l'obligation deſdits ſecours ſtipulés ceſſera & à la place ſuccédera pour les deux couronnes l'obligation de faire la guerre conjointement en y employant toutes leurs forces; & pour cet effet les deux hautes parties contractantes feront alors entre elles des conventions particulieres, relatives aux circonſtances de la guerre, dans laquelle elles ſe trouveront engagées, concerteront leurs efforts & leurs avantages reſpectifs & réciproques, comme auſſi leurs plans & opérations militaires & politiques; & ces conventions étant faites, les deux Rois les exécuteront enſemble & d'un commun & parfait accord.

XVII. L. L. M. M. T. chr. & cath. s'engagent & ſe promettent pour le cas ou elles ſe trouveroient en guerre, de n'exécuter, ni faire aucune propoſition de paix, de ne la traiter ni conclure avec l'ennemi ni les ennemis qu'elles auront, que d'un accord & conſentement mutuel & commun, & de ſe communiquer réciproquement tout ce qui pourroit venir à leur connoiſſance qui intéreſſeroit les deux couronnes & en particulier ſur l'objet de la pacification; de ſorte qu'en guerre comme en paix, chacune des deux couronnes regardera comme ſes propres intérêts ceux de la couronne, ſon alliée.

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XVIII. Conformably to this principle, and the engagement contracted in conſequence thereof, his moſt Chriſtian and his Catholic majeſty agree, that when the war they have ſupported in common is terminated by peace, they ſhall compenſate the advantages one of the two powers may have had, with the loſſes the other may have ſuſtained, ſo that in regard to the conditions of peace, as well as the operations of war, the two monarchs of France and Spain, through the whole extent of their dominion, ſhall be conſidered and ſhall act as if they formed but one only and the ſame power.

XIX. His majeſty the king of the Two Sicilies, having the ſame connection of kindred and friendſhip, and the ſame intereſts that intimately unite his moſt Chriſtian and his Catholic majeſty, his ſaid Catholic majeſty ſtipulates for the king of the Two Sicilies, his ſon, and takes upon him to make him ratify, as well for himſelf as for his deſcendants in perpetuity, all the articles of the preſent treaty; and further, that whatever regards the proportion of the ſuccours to be furniſhed by his Sicilian majeſty, it ſhall be determined by his act of acceſſion to the ſaid treaty, according to the extent of his power.

XX. His moſt Chriſtian majeſty, and their Catholic and Sicilian majeſties, engage not only to concur to the ſupport and ſplendour of their kingdoms in their actual ſtate, but alſo

XVIII. En conformité de ce principe & de l'engagement contracté en conſéquence leurs M. T. chr. & cath. ſont convenues, que lorſqu'il s'agira de terminer par la paix la guerre qu'elles auront ſoutenue en commun, elles compenſeront les avantages qu'une des deux puiſſances pourroit avoir eus avec les pertes que l'autre auroit pu faire, de maniere que ſur les conditions de la paix ainſi que ſur les opérations de la guerre les deux monarchies de France & d'Eſpagne dans toute l'étendue de leur domination ſeront regardées & agiront comme ſi elles ne formoient qu'une ſeule & même puiſſance.

XIX. S. M. le Roi des Deux-Siciles ayant les mêmes liaiſons de parenté & d'amitié & les mêmes intérêts, qui uniſſent intimement L. L. M. M. T. chr. & cath. S. M. cath. ſtipule pour le Roi des Deux-Siciles, ſon fils, & s'oblige à lui faire ratifier, tant pour lui que pour ſes deſcendans à perpétuité, tous les articles du préſent traité; bien entendu que pour ce qui regarde la proportion des ſecours à fournir par S. M. Sicilienne, ils ſeront déterminés dans ſon acte d'acceſſion audit traité, ſuivant l'étendue de ſa puiſſance.

XX. L. L. M. M. T. chr. cath. & Sicilienne s'engagent non ſeulement à concourir au maintien & à la ſplendeur de leurs Royaumes dans l'état où ils ſe trouvent actuellement, mais encore à ſoutenir ſur tous les objets, ſans exception, la dignité & les droits de leurs maiſons; de ſorte que chaque prince

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alſo to maintain beyond all other objects without exception, the dignity and rights of their houſes; ſo that each prince, who ſhall have the honour to be deſcended from the ſame blood, may be aſſured, on all occaſions, of the protection and aſſiſtance of the three crowns.

XXI. The preſent treaty being to be conſidered, as ſet forth in the preamble, 'a Family-Compact between all the branches of the auguſt houſe of Bourbon,' no other power but thoſe of this houſe, can be invited or admitted to accede to it.

XXII. The ſtrict friendſhip that unites the contracting monarchs, and the engagements they enter into by this treaty, determine them alſo to ſtipulate, that their reſpective ſtates and ſubjects ſhall partake of the advantages and union eſtabliſhed between theſe ſovereigns; and their majeſties promiſe not to ſuffer in any caſe, nor under any pretence whatſoever, their ſaid ſubjects and ſtates to do or undertake any thing contrary to the preſent correſpondence, that ought to ſubſiſt inviolably between the three crowns.

XXIII. To cement in as great a degree as the nature of the matter may admit this good underſtanding, and thoſe reciprocal advantages between the ſubjects of the two crowns, it is agreed that the Spaniards ſhall be no longer reputed Aubains in France, and conſequently his moſt Chriſtian majeſty engages to aboliſh in their favour the 'Droit d'Aubaine,' whence they may diſpoſe by donative wills or otherwiſe, of all their goods and effects without exception, of what nature ſoever, they may poſſeſs in his kingdom; and their heirs, ſubjects of his Catholic majeſty, reſiding as well in France as

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prince qui aura l'honneur d'être iſſu du même ſang, pourroit être aſſuré en toute occaſion de la protection & de l'aſſiſtance des trois couronnes.

XXI. Le préſent traité devant être regardé, ainſi qu'il a été annoncé dans le préambule, comme un Pacte de Famille entre toutes les branches de l'auguſte maiſon de Bourbon, nulle autre puiſſance que celles qui ſeront de cette maiſon, ne pourra être invitée ni admiſe à y accéder.

XXII. L'amitié étroite qui unit les monarques contractans, & les engagemens qu'ils prennent par ce traité, les déterminent auſſi à ſtipuler que leurs etats & ſujets reſpectifs participeront aux avantages & à la liaiſon établie entre ces ſouverains, & L. M. ſe promettent de ne pas ſouffrir qu'en aucun cas, ni ſous quelque prétexte que ce ſoit, leurs dits etats & ſujets puiſſent rien faire ou entreprendre de contraire à la parfaite correſpondance, qui doit ſubſiſter inviolablement entre les trois couronnes.

XXIII. Pour cimenter d'autant plus cette intelligence & ces avantages réciproques entre les ſujets des deux couronnes, il a été convenu que les Eſpagnols ne ſeront plus réputés Aubains en France, & en conſéquence S. M. T. C. s'engage à abolir en leur faveur le Droit d'Aubaine, enſorte qu'ils pourront diſpoſer par teſtamens donatifs ou autrement, de tous leurs biens

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elſewhere, may recover and enjoy their ſucceſſions, even tho' they ſhould die inteſtate, either by themſelves, their attorneys, or order, without having previouſly obtained letters of naturalization, and may tranſport them out of the ſtates of his moſt Chriſtian majeſty, notwithſtanding all laws, edicts, ſtatutes, cuſtoms, or rights hereto contrary, which his moſt Chriſtian majeſty relinquiſhes, in as great a degree as the occaſion may require. His Catholic majeſty engages on his ſide, to procure the enjoyment of the ſame privileges, and after the ſame manner, in all the ſtates and countries of his dominions in Europe, for all the French and ſubjects of his moſt Chriſtian majeſty, in regard to the free diſpoſal of whatever they may poſſeſs through the whole extent of the Spaniſh monarchy; ſo that the ſubjects of the two crowns ſhall be generally treated in every particular regarding this article, in the countries of the two dominions, as the proper and natural ſubjects of the power in the ſtates of which they may reſide. All that is ſaid above in regard to the abolition of the 'Droit d'Aubaine,' and the advantages the French are to enjoy in the ſtates of the kingdom of Spain in Europe, and the Spaniards in France, is granted to the ſubjects of the king of the Two Sicilies, who are comprehended on the ſame conditions in this article; and reciprocally the ſubjects of his moſt Chriſtian majeſty and his Catholic majeſty, are to enjoy the ſame exemptions and advantages in the ſtates of his Sicilian majeſty.

XXIV. The

ſans exception, de quelque nature qu'ils ſoient, qu'ils poſſéderont dans ſon Royaume, & que leurs héritiers, ſujets de S. M. cath. demeurant tant en France qu'ailleurs, pourront recueillir leurs ſucceſſions même ab inſtetât, ſoit par eux-mêmes, ſoit par leurs procureurs, ou mandateurs, quoiqu'ils n'ayent point obtenu de lettres de naturalité; & les tranſporter hors des etats de S. M. T. C. non obſtant toutes loix, edits, ſtatuts, contumes ou droits à ce contraires, auxquelles S. M. T. C. déroge entant que beſoin ſeroit. S. M. cath. s'engage de ſon coté à faire jouir des mêmes priviléges & de la même maniere dans tous les etats & pays de ſa domination en Europe tous les François & ſujets de S. M. T. C. par rapport à la libre diſpoſition des biens qu'ils poſſéderont dans toute l'etendue de la monarchie Eſpagnole: de ſorte que les ſujets des deux couronnes ſeront généralement traités en tout & pour tout ce qui regarde cet article, dans les pays des deux dominations, comme les propres & naturels ſujets de la puiſſance, dans les etats de laquelle ils réſideront. Tout ce qui eſt dit ci-deſſus par rapport à l'abolition du Droit d'Aubaine & aux avantages dont les François doivent jouir dans les etats du Royaume d'Eſpagne en Europe, & les Eſpagnols en France, eſt accordé, aux ſujets du Roi des Deux-Siciles, qui ſeront compris aux mêmes conditions dans cet article; et reciproquement les ſujets de L. M. T. C. & catholique jouiront des mêmes exemptions & avantages dans les etats de S. M. Sicilienne. XXIV. Les

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XXIV. The ſubjects of the high contracting parties ſhall be treated relatively to commerce and impoſts in each of the two kingdoms in Europe, as natural ſubjects of the country where they ſhall arrive or reſide, ſo that the Spaniſh flag ſhall enjoy in France the ſame rights and prerogatives the French flag does, and in like manner the French flag ſhall be treated in Spain with the ſame favour as the Spaniſh flag. The ſubjects of the two monarchies declaring their merchandizes, ſhall pay the ſame duties as are paid by nationals; importation and exportation ſhall be equally free to them, as to natural ſubjects, and no duties ſhall be payable on either ſide, but thoſe the ſovereign's own ſubjects are liable to, nor other things ſubject to confiſcation, but thoſe prohibited to nationals themſelves; and as to what regards theſe particulars, all prior treaties, conventions, or engagements between the two monarchies, ſhall remain aboliſhed: furthermore, no other foreign power ſhall enjoy in Spain no more than in France, any greater emolumental privilege than that of the two nations; the ſame regulation ſhall be obſerved in France and Spain, in regard to the flag and ſubjects of the king of the Two Sicilies, and his Sicilian majeſty ſhall have it reciprocally obſerved in regard to the flag and ſubjects of the crowns of France and Spain.

XXV. If the high contracting parties make hereafter ſome treaty of commerce with other powers, and grant them, or have

XXIV. Les ſujets des hautes parties contractantes ſeront traités relativement au commerce & aux impoſitions, dans chacun des deux Royaumes en Europe, comme les propres ſujets du pays ou ils aborderont ou réſideront, de ſorte que le pavillon Eſpagnol jouira en France des mêmes droits & prérogatives que le pavillon François, & pareillement que le pavillon François ſera traité en Eſpagne avec la même faveur que le pavillon Eſpagnol. Les ſujets des deux monarchies en déclarant leurs merchandiſes payeront les mêmes droits qui ſeront payés par les nationaux. L'importation & exportation leur ſera également libre, comme aux ſujets naturels, & il n'y aura de droits à payer de part & d'autre, que ceux qui ſeront percus ſur les propres ſujets du ſouverain, ni de matieres ſujettes à confiſcation, que celles qui ſeront prohibées aux nationaux eux-mêmes; & pour ce qui regarde ces objets, tout traité, conventions ou engagemens antérieurs entre les deux monarchies, reſteront abolis: bien entendu que nulle autre puiſſance étrangere ne jouira en Eſpagne non plus qu'en France d'aucun privilége plus avantageux que celui des deux nations. On obſervera les mêmes regles en France & en Eſpagne à l'égard du pavillon & des ſujets du Roi des Deux Siciles, & S. M. S. le fera réciproquement obſerver à l'égard du pavillon & des ſujets des couronnes de France & d'Eſpagne.

XXV. Si les hautes parties contractantes font dans la ſuite quelque traité de commerce avec d'autres puiſſances: & leur accordent ou leur ont déjà accordé dans leurs ports ou etats le traitement de la nation la plus favo-

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have already granted them in their ports or ſtates, the treatment of the moſt favoured nation, it ſhall be notified by way of prevention to the ſaid powers, that the treatment of the Spaniards in France and in the Two Sicilies, of the French in Spain and likewiſe in the Two Sicilies, and of the Neapolitans and Sicilians in France and Spain on the ſame conſideration, is excepted in this reſpect, and ought not to be produced nor ſerve for an example, his moſt Chriſtian majeſty and their Catholic and Sicilian majeſties, being unwilling any other nation ſhould partake of the privileges, they have judged proper to impart indiſcriminately to their reſpective ſubjects.

XXVI. The high contracting parties ſhall make a reciprocal communication of all the alliances they may hereafter form, and the negociations they may enter into, eſpecially when any way connected with their common intereſts; and in conſequence hereof his moſt Chriſtian majeſty, and their Catholic and Sicilian majeſties, ſhall order all their reſpective miniſters in other European courts, to live with each other in the moſt perfect intelligence, and with the moſt intire confidence, that all the ſteps taken in the name of any of the three crowns, may tend to their glory and common advantage, and be a conſtant pledge of the intimate union which their ſaid majeſties deſire to maintain and perpetuate with one another.

XXVII. The nice point of precedence in acts, functions, and public ceremonies, is often an obſtacle to the good harmony

rière, on prévîendra les dites puiſſances que le traitement des Eſpagnols en France & dans les Deux-Siciles, des Francois en Eſpagne & pareillement dans les Deux Siciles, & des Napolitains & Siciliens en France & en Eſpagne ſur le même objet, eſt excepté à cet égard & ne doit point être cité ni ſervir d'exemple; L. M. T. Chr. catholique & Sicilienne ne voulant faire participer aucune autre nation aux priviléges, dont elles jugent convenable de faire jouir réciproquement leurs ſujets reſpectifs.

XXVI. Les hautes parties contractantes ſe confieront réciproquement toutes les alliances, qu'elles pourront former dans la ſuite, & les négociations qu'elles pourront ſuivre, ſour-tout lorſqu'elles auront quelque rapport avec leurs intérêts communs; & en conſequence L. L. M. M. T. chr. cath. & Sicilienne ordenneront à tous les miniſtres reſpectifs qu'elles entretiennent dans les autres cours de l'Europe, de vivre entre eux dans l'intelligence la plus parfaite & avec la plus entiere confiance, afin que toutes les démarches faites au nom de quelqu'une des trois couronnes tendent à leur gloire & à leurs avantages communs & ſoient un gage conſtant de l'intimité que leurs dites majeſtés veulent établir & perpétuer entre elles.

XXVII. L'Objet

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mony and intimate confidence it is neceſſary to maintain between the reſpective miniſters of France and Spain, becauſe theſe ſorts of diſcuſſions, whatever means may be adopted for ſilencing them, generally irritate minds. They were natural when the two crowns belonged to princes of different houſes; but now, and ſince Providence has vouchſafed to maintain on the two thrones ſovereigns of the ſame houſe, it is not proper any occaſion of altercation or diſcontent ſhould ſubſiſt between them; his moſt Chriſtian majeſty and his Catholic majeſty, have therefore agreed to lay it down as an invariable rule to their miniſters, veſted with the ſame character in family courts as are now thoſe of Naples and Parma, that the miniſters of the monarch head of the houſe ſhall always have the precedence in any act, function, or ceremony whatever; which precedence is to be conſidered as a conſequence of the advantage of birth, and that in all other courts the miniſter, whether of France or Spain, who is arrived laſt, or whoſe reſidence is more recent, ſhall give place to the miniſter of the other crown, and of the ſame character who is come firſt, or whoſe reſidence is longer; ſo that for the future, in this reſpect, there may be a conſtant and fraternal alternative, to which no other power ought nor can be admitted, foraſmuch as this arrangement, which is merely a conſequence of this preſent Family Compact, would ceaſe and determine, if the princes of the ſame houſe did not occupy

XXVII. L'Objet délicat dans la préſéance, dans les actes, fonctions & cérémonies publiques, eſt ſouvent un obſtacle à la bonne harmonie & à l'intime confiance, qu'il convient d'entretenir entre les miniſtres reſpectifs de France & d'Eſpagne, parce que ces ſortes de diſcuſſions, quelque tournure qu'on prenne pour les faire ceſſer, indiſpoſent les eſprits; elles etoient naturelles, quand les deux couronnes appartenoient à des princes de deux différentes maiſons; mais actuellement & pour tout le tems que la providence a déterminé de maintenir ſur les deux trones des ſouverains de la même maiſon, il n'eſt pas convenable qu'il ſubſiſte entre eux une occaſion continuelle d'altercation & de mécontentement. L. L. M. M. T Chr. & Cath. ſont convenues en conſéquence de faire entiérement ceſſer cette occaſion en fixant pour régle invariable à leurs miniſtres revêtus du même caractere dans les cours de famille comme ſont préſentemént celles de Naples & de Parme, que les miniſtres du monarque chef de la maiſon auront toujours la préſéance dans tel acte, fonction ou cérémonie que ce ſoit, laquelle préſéance ſera regardée comme une ſuite de l'avantage de la naiſſance, & que dans toutes les autres cours le miniſtre, ſoit de France ſoit d'Eſpagne, qui ſera arrivé le dernier, ou dont la réſidence ſera plus récente, cédera au miniſtre de l'autre couronne & de même caractere qui ſera arrivé le premier, ou dont la réſidence ſera plus ancienne; de façon qu'il y aura déſormais à cet égard une alternative conſtante & fraternelle, à laquelle aucune autre puiſſance ne devra ni ne pourra être admiſe, attendu que cet arrangement, qui

py the thrones of the two monarchies, as then each crown would reſume its rights or pretenſions to precedence: It has been likewiſe agreed to, that if by chance the miniſters of the two crowns ſhould arrive preciſely at the ſame time in a court, that is not of the family, the miniſter of the ſovereign, head of the houſe, ſhall have the precedence on that account of the miniſter of the ſovereign, who is junior of the houſe.

XXVIII. The preſent treaty or Family Compact ſhall be ratified, and the ratifications ſhall be exchanged within the ſpace of one month, or ſooner, if it can be done, reckoning from the day of the ſigning of the ſaid treaty.

In confirmation of which, we, the miniſters, plenipotentiary of his moſt Chriſtian majeſty, and of his Catholic majeſty, ſubſigned, in virtue of the full powers which are literally and faithfully tranſcribed at bottom of this preſent treaty, have ſigned it, and put thereto the ſeals of our arms.

Done at Paris the 15th Auguſt 1761.

(Signed) The Duc DE CHOISEUL.

qui eſt uniquement une ſuite du préſent Pacte de Famille, ceſſeroit, ſi des princes de la même maiſon n'occupoient plus les trones des deux monarchies & qu'alors chaque couronne rentreroit dans ſes droits ou prétentions à la préſéance. Il a été convenu auſſi, que ſi par quelque cas fortuit les miniſtres des deux couronnes arrivoient préciſément en même tems dans une cour, autre que celle de famille, le miniſtre du ſouverain, chef de la maiſon, précédera à ce titre le miniſtre du ſouverain, cadet de la maiſon.

XXVIII. Le préſent traité ou Pacte de Famille ſera ratifié, & les ratifications en ſeront échangées dans le tems d'un mois, ou plus tot, ſi faire ſe peut, à compter du jour de la ſignature dudit traité.

En foi de quoi nous miniſtres-plénipotentiaires de ſa majeſté T. C. & de S. M. Cath. ſouſſignés, en vertu de pleins-pouvoirs, qui ſont tranſcrits littéralement & fidélement au bas de ce préſent traité, nous l'avons ſigné & y avons appoſé les cachets de nos armes.

Fait à Paris le 15 Août 1761.

(Signé) Le Duc DE CHOISEUL.

For the POLITICAL REGISTER.

Thoughts on Princes who have been particularly fond of their Subjects.

Di queſto Signor ſplendido ogni intento
Sara che'l Popol ſuo viva contento. ORL. FUR.

"THE deſtiny of that prince, and the object of his wiſhes, ſhall be to love his people, and to make them happy."—Such is the noble light Arioſto places Borſus, firſt Duke of Ferrara in! What a magnificent eulogium! Every man, laying his hand on his heart, ſhall warrant, that on that account only, his memory will be tranſmitted to the moſt diſtant ages, and will be dear to them. Let

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Let us forbear giving to monarchs falſe ideas of glory, by placing it in what contributes to the diſtreſs and calamities of thoſe who are ſubject to their laws.

A king beloved by his people, a king that ſtudies the happineſs of his people, is the only great king.

The audacious mind that firſt inſinuated to a ſubmiſſive and tranquil people, that "the firſt king was a fortunate ſoldier", ſhould not have enjoyed the inſtant that gave birth to the idea theſe words were expreſſive of, becauſe in monarchies and empires they ſow the ſeeds of rebellion and tyranny.

Kings ſhould have no uſurped power, they ſhould be all fathers. Let us conſider them in this point of view, the only true one, and then we ſhall be in no dread of ſlavery. The ſurname of Father was the firſt that adorned the ſovereigns of the moſt ancient monarchies; it is the unſhaken ſupport of thrones, and ſource of happineſs to the people. Cyrus was called the Father of Men, ſo means the word Abimelech in the ſcripture. When tyrannic pride required one more pompous, then did fear drive love away from the hearts of ſubjects, and kings ceaſed to reckon the days of their lives by their benefactions. Memphis would ſtill be one of the ornaments of the world, if the Ptolemys had not ſubſtituted to that fine title others more oſtentatious, or devoid of ſenſe.

The princes, whoſe names will be always dear to the world, and whom hiſtory repreſents to us as having nothing more at heart than the happineſs of their ſubjects, always gloried in having for them that tenderneſs which children only can pretend to.

Why does Antoninus repeat ſo often, "That it is better to ſave a citizen, than kill a thouſand enemies?"

Why does Titus think that he had loſt the day that was not marked by his having done ſome good?—The reaſon is plain; theſe princes conſidered themſelves leſs as the maſters than the fathers of their people, and believed that in that quality they ſhould find themſelves happy.

Henry the Fourth of France was called by excellence the father of his people. We are ſurprized, that even before he was acknowledged king, he ſhould be found ſunk in melancholy after every victory he gained over the French, who had been leagued againſt him. "I cannot, ſays he, rejoice in an advantage, which I do not obtain but by the loſs of my ſubjects; the blood of the French ſeems to blaſt my laurels."

Ye monarchs and potentates, get engraved on your proud portals, that ye have no intereſt ſeparate from that of your

people, and let your ſentiments correſpond with the confeſſion.

When, in looking over the faſti of the world, I figure to myſelf the ſtreams of blood the ſurnames of Warlike, Invincible, Thunderbolts, given to ſome ſovereigns, have made to flow, I cannot help crying out, how long ſhall our eyes be dazzled with the falſe glory of conquerors? And if the conqueſt of hearts is the only a great ſoul ſhould be ambitious of, what titles can be compared with thoſe of the 'delight of mankind, the good, the beloved?'

If I enter the cabinets of the curious, they are fond of ſhewing me compleat ſets of antique medals, and all the precious ſpoils of a diverſity of other treaſures. Among them are heads and reverſes well preſerved, and vulgar eyes ſee with aſtoniſhment carrs, temples, whole armies, and triumphal arches ſtruck with exquiſite art. Here are Percenius, Niger, the Gordians of Africa, and Otho in grand bronze; in ſhort, every thing rare in this ſort of erudition, enriches this immenſe collection; but if convinced that the moſt eſtimable pieces in point of antiques, are thoſe that repreſent and perpetuate the fineſt actions of princes, I ſhall give the preference to that where I ſee Trajan diſtribute ears of wheat to the children Italy preſents to him, with this ſimple inſcription, but dear to my heart, 'Alim Ital.' 'He fed Italy;' yet I depart with a full ſneer of contempt from the antiquary, and all that call themſelves connoiſſeurs. O men, in what do ye make true glory to conſiſt!

How I love to repreſent to myſelf on one ſide Pyrrhus conferring with Cyneas on his ambitious projects; and, on the other, Henry IV. of France, confeſſing to a Spaniſh ambaſſador the ſole object of his wiſhes.

Pyrrhus propoſes firſt to throw a bridge over the ſea to paſs from Epirus into Italy; Italy conquered; he is to ſubject Sicily to his laws, then he is to ſubdue Carthage, reduce a ſecond time Macedonia to his power, bring all Greece under his yoke, and after ſo many victories, ſpend the reſt of his day in the boſom of pleaſures.

Henry has no other ambition than to make his ſubjects live comfortably, "with God's will and pleaſure, ſays that good king, if I live but a few years longer, I ſhall put things upon ſuch a footing, that every labouring man in my kingdom ſhall be able to have a fowl in his pot every Sunday."

What a contraſt! If there be a ſoul among us not touched by the beauty of that wiſh, let him depart, and go to live under tyrants.

JUNIUS

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JUNIUS *to* Lord Chief Justice MANSFIELD.

21ſt *January*, 1772.

I HAVE undertaken to prove that when, at the interceſſion of three of your countrymen, you bailed *John Eyre*, you did that, *which by law you were not warranted to do*, and that a felon, under the circumſtances, *of being taken in the fact, with the ſtolen goods upon him, and making no defence*, is *not bailable* by the Laws of England. Your learned advocates have interpreted this charge into a denial that the Court of King's Bench, or the Judges of that Court during the vacation, have any greater authority to bail for criminal offences, than a Juſtice of Peace. With the inſtance before me, I am ſuppoſed to queſtion your power of doing wrong, and to deny the exiſtence of a power, at the ſame moment that I arraign the illegal exerciſe of it. But the opinions of ſuch men, whether wilful in their malignity, or ſincere in their ignorance, are unworthy of my notice. You, Lord Mansfield, did not underſtand me ſo, and, I promiſe you, your cauſe requires an abler defence.—I am now to make good my charge againſt you. However dull my argument, the ſubject of it is intereſting. I ſhall be honoured with the attention of the public, and have a right to demand the attention of the legiſlature. Supported, as I am, by the whole body of the criminal Law of England, I have no doubt of eſtabliſhing my charge. If, on your part, you ſhould have no plain, ſubſtantial defence, but ſhould endeavour to ſhelter yourſelf under the quirk and evaſion of a practiſing Lawyer, or under the mere, inſulting aſſertion of power without right, the reputation you pretend to is gone for ever;—you ſtand degraded from the reſpect and authority of your office, and are no longer, *de jure*, Lord Chief Juſtice of England. This Letter, my Lord, is addreſſed, not ſo much to *you*, as to the Public. Learned as you are, and quick in apprehenſion, few arguments are neceſſary to ſatisfy you, that you have done that which by law you were not warranted to do. Your conſcience already tells you, that you have ſinned againſt knowledge, and that whatever defence you make contradicts your own internal conviction. But other men are willing enough to take the law upon truſt. They rely upon authority, becauſe they are too indolent to ſearch for information; or, conceiving that there is ſome myſtery in the laws of their country, which Lawyers only are qualified to explain, they diſtruſt their judgement, and voluntarily renounce the right of

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thinking for themſelves. With all the evidence of hiſtory before them, from *Treſilian* to *Jefferies*, from *Jefferies* to *Mansfield*, they will not believe it poſſible that a learned Judge can act in direct contradiction to thoſe laws, which he is ſuppoſed to have made the ſtudy of his life, and which he has ſworn to adminiſter faithfully. Superſtition is certainly not the characteriſtic of this age. Yet ſome men are bigoted in politics, who are infidels in religion.—I do not deſpair of making them aſhamed of their credulity.

The charge I brought againſt you is expreſſed in terms guarded and well conſidered. They do not deny the ſtrict power of the Judges of the Court of King's Bench to bail in Caſes, not bailable by a Juſtice of Peace, nor repleviſable by the common writ, or *ex officio* by the Sheriff. I well knew the practice of the Court, and by what legal rules it ought to be directed. But, far from meaning to ſoften or diminiſh the force of thoſe terms I have made uſe of, I now go beyond them, and affirm,

I. That the ſuperior power of bailing for felony, claimed by the Court of King's Bench, is founded upon the opinion of Lawyers, and the practice of the Court;—that the aſſent of the Legiſlature to this power is merely negative, and that it is not ſupported by any poſitive proviſion in any ſtatute whatſoever—If it be, produce the ſtatute.

II. Admitting that the Judges of the Court of King's Bench are veſted with a diſcretionary power to examine and judge of circumſtances and allegations, which a Juſtice of Peace is not permitted to conſider, I affirm that the Judges, in the uſe and application of that diſcretionary power, are as ſtrictly bound by the ſpirit, intent, and meaning, as the Juſtice of Peace is by the words of the Legiſlature. Favourable circumſtances, alledged before the Judge, may juſtify a doubt whether the priſoner be guilty or not; and where the guilt is doubtful, a preſumption of innocence ſhould, in general, be admitted. But, when any ſuch probable circumſtances are alledged, they alter the ſtate and condition of the priſoner. *He* is no longer that *all but convicted* felon, whom the Law intends, and who by Law is *not bailable at all.* If no circumſtances whatſoever are alledged in his favour;—if no allegation whatſoever be made to leſſen the force of that evidence, which the law annexes to a poſitive charge of felony, and particularly to the fact of *being taken with the maner*, I then ſay that the Lord Chief Juſtice of England has no more right to bail him than a Juſtice of Peace. The diſcretion of an Engliſh Judge is not of mere will and pleaſure;—it is not arbitrary;

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arbitrary;—it is not capricious; but as that great Lawyer (whose authority I wish you respected half as much as I do) truly says* "Discretion, taken as it ought to be, is *discernere per legem quid sit justum.* If it be not directed by the right line of the law, it is a crooked cord, and appeareth to be unlawful."—If discretion were arbitrary in the Judge, he might introduce whatever novelties he thought proper; but, says Lord Coke, "Novelties, without warrant of precedents, are not to be allowed: some certain rules are to be followed; —*Quicquid judicis authoritati subjicitur, novitati non subjicitur*;" and this sound doctrine is applied to the Star-Chamber, a court confessedly arbitrary. If you will abide by the authority of this great man, you shall have all the advantages of his opinion, wherever it appears to favour you. Excepting the plain, express meaning of the legislature, to which all private opinions must give way, I desire no better judge between us than Lord Coke.

III. I affirm that, according to the obvious, indisputable meaning of the legislature, repeatedly expressed, a person positively charged with *feloniously stealing* and taken *in flagrante delicto*, with the stolen goods upon him, is *not bailable*. The law considers him as differing in nothing from a *convict*, but in the form of conviction, and (whatever a corrupt Judge may do) will accept of no security, but the confinement of his body within four walls. I know it has been alledged in your favour, that you have often bailed for murders, rape, and other manifest crimes. Without questioning the fact, I shall not admit that you are to be justified by your example. If that were a protection to you, where is the crime that, as a Judge, you might not now securely commit? But neither shall I suffer myself to be drawn aside from my present argument, nor *you* to profit by your own wrong.—To prove the meaning and intent of the legislature will require a minute and tedious deduction. To investigate a question of law demands some labour and attention, though very little genius or sagacity. As a practical profession, the study of the law requires but a moderate portion of abilities. The learning of a pleader is usually upon a level with his integrity. The indiscriminate defence of right and wrong contracts the understanding, while it corrupts the heart. Subtlety is soon mistaken for wisdom, and impunity for virtue. If there be any instances upon record, as some there are undoubtedly,

* 4. Inst. 41. 66.

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of genius and morality united in a lawyer, they are diſtinguiſhed by their ſingularity, and operate as exceptions.

I muſt ſolicit the patience of my readers. This is no light matter, nor is it any more ſuſceptible of ornament, than the conduct of Lord Mansfield is capable of aggravation.

As the law of bail, in charges of felony, has been exactly aſcertained by acts of the legiſlature, it is at preſent of little conſequence to enquire how it ſtood at Common-law, before the ſtatute of Weſtminſter. And yet it is worth the reader's attention to obſerve, how nearly, in the ideas of our anceſtors, the circumſtance of being taken *with the maner* approached to the conviction of the felon *. "It fixed the authoritative ſtamp of veriſimilitude upon the accuſation, and, by the common law, when a thief was taken *with the maner* (that is, with the thing ſtolen upon him *in manu)* he might, ſo detected *flagrante delicto*, be brought into court, arraigned and tried, *without indictment*; as, by the Daniſh law, he might be taken and hanged upon the ſpot, without accuſation or trial." It will ſoon appear that our ſtatute law, in this behalf, though leſs ſummary in point of proceeding, is directed by the ſame ſpirit. In one inſtance, the very form is adhered to. In offences relating to the foreſt, if a man was taken with vert, or veniſon †, it was declared to be equivalent to indictment. To enable the reader to judge for himſelf, I ſhall ſtate, in due order, the ſeveral ſtatutes relative to bail in criminal caſes, or as much of them as may be material to the point in queſtion, omitting ſuperfluous words. If I miſrepreſent, or do not quote with fidelity, it will not be difficult to detect me.

‡ The ſtatute of Weſtminſter the firſt, 1275, ſets forth that, "Foraſmuch as Sheriffs and others, who have taken and kept in priſon perſons detected of felony, and incontinent have let out by replevin ſuch as were *not repleviſable* becauſe they would gain of the one party and grieve the other: and foraſmuch as, before this time, it was not determined which perſons were repleviſable and which not, it is provided and by the King commanded that ſuch priſoners, &c. as be *taken with the maner*, &c. or for *manifeſt* offences, ſhall be *in no wiſe* repleviſable by the

* Blackſtone, 4. 303.

† 1 Ed. III. cap. 8.—and 7 Rich. II. cap. 4.

‡ "Videtur que le Statute de Mainpriſe neſt que Reherſall del comen ley."

Bro. Mainp. 61.

common writ nor without writ." *—Lord Coke, in his expoſition of the laſt part of this quotation, accurately diſtinguiſhes between *replevy* by the common writ or ex officio, and *bail* by the King's Bench. The words of the ſtatute certainly do not extend to the Judges of that Court. But, beſides that the reader will ſoon find reaſon to think that the legiſlature, in their intention made no difference between bailable and repleviſable. Lord Coke himſelf (if he be underſtood to mean nothing but an expoſition of the ſtatute of Weſtminſter, and not to ſtate the law generally) does not adhere to his own diſtinction. In expounding the other offences, which, by this ſtatute, are declared *not repleviſable*, he conſtantly uſes the words *not bailable*.—That outlaws, for inſtance, are *not bailable at all*; that perſons, who have abjured the realm, are attainted upon their own confeſſion, and therefore *not bailable at all by law*;—that provers are *not bailable*;—that notorious felons are *not bailable*." The reaſon, why the ſuperior courts were not named in the ſtatute of Weſtminſter, was plainly this, " becauſe antiently moſt of the buſineſs, touching bailment of priſoners for felony or miſdemeanors, was performed by the Sheriffs, or ſpecial Bailiffs of Liberties, either by writ or *virtute officii* †;" conſequently the ſuperior courts had little or no opportunity to commit thoſe abuſes, which the ſtatute imputes to the Sheriffs.—With ſubmiſſion to Doctor Blackſtone, I think he has fallen into a contradiction, which, in terms at leaſt, appears irreconcileable. After enumerating ſeveral offences not bailable, he aſſerts, without any condition of limitation whatſoever ‡, " all theſe are clearly not admiſſible to bail." Yet, in a few lines after, he ſays, " *it is agreed* that the Court of King's Bench may bail for any crime whatſoever, *according to circumſtances of* the caſe." To his firſt propoſition he ſhould have added, *by Sheriffs or Juſtices*; otherwiſe the two propoſitions contradict each other; with this difference, however, that the firſt is abſolute, the ſecond limited by a *conſideration of circumſtances*. I ſay this without the leaſt

* There are three points to be conſidered in the conſtruction of all remedial ſtatutes;—the old law, the miſchief, and the remedy;—that is, how the common law ſtood at the making of the act, what the miſchief was for which the common law did not provide, and what remedy the parliament hath provided to cure this miſchief. It is the buſineſs of the Judges, ſo to conſtrue the act, as to ſuppreſs the miſchief and advance the remedy. *Blackſtone* 1. 87.

† 2 Hale, p. c. 128. 136.

‡ Blackſtone 4. 296.

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intended diſreſpect to the learned author. His work is of public utility, and ſhould not haſtily be condemned.

The ſtatute of 17 *Richard* II. *cap.* 10. in 1393, ſets forth, that "foraſmuch as thieves notoriouſly defamed, *and others taken with the maner*, by their long abiding in priſon, were delivered by charters, and favorable inqueſts procured, to the great hindrance of the people, two men of law ſhall be aſſigned in every commiſſion of the peace, to proceed to the deliverance of ſuch felons, &c." It ſeems, by this act, that there was a conſtant ſtruggle between the legiſlature and the officers of juſtice. Not daring to admit felons *taken with the maner* to bail or mainprize, they evaded the law by keeping the party in priſon a long time, and then delivering him without due trial.

The ſtatute of 1. Richard III. in 1483, ſets forth, that "foraſmuch as divers perſons have been daily arreſted and impriſoned for *ſuſpicion* of felony, ſometime of malice, and ſometime of *a light ſuſpicion*, and ſo kept in priſon without bail or mainprize, be it ordained that every Juſtice of Peace ſhall have authority, by his diſcretion, to let ſuch priſoners and perſons ſo arreſted to bail or mainprize."—By this act it appears that there had been abuſes in matter of impriſonment, and that the legiſlature meant to provide for the immediate enlargement of perſons arreſted on *light ſuſpicion* of felony.

The ſtatute of 3. Henry VII. in 1486, declares that "under colour of the preceding act of Richard the Third, perſons, *ſuch as were not mainpernable*, were oftentimes let to bail and mainprize, by Juſtices of the Peace, whereby many murderers and felons eſcaped, the King, &c. hath ordained, that the Juſtices of the Peace, or two of them at the leaſt (whereof one to be of the *Quorum*) have authority to let any ſuch priſoners or perſons, mainpernable by the law, to bail or mainprize."

The ſtatute of 1ſt and 2d of Philip and Mary, in 1554, ſets forth, that "notwithſtanding the preceding ſtatute of Henry the Seventh, *one* Juſtice of Peace hath oftentimes, by ſiniſter labour and means, ſet at large the greateſt and notableſt offenders, *ſuch as be not repleviſable by the laws of this realm*, and yet, the rather to hide their affections in that behalf, have ſigned the cauſe of their apprehenſion to be but only for *ſuſpicion* of felony, whereby the ſaid offenders have eſcaped unpuniſhed, and do daily, to the high diſpleaſure of Almighty God, the great peril of the King and Queen's true ſubjects, and encouragement of all thieves and evil-doers;—

for

for reformation whereof be it enacted, that no Juſtices of Peace ſhall let to bail or mainprize any ſuch perſons, which, for any offence by them committed, be declared *not* to be *repleviſed* or *bailed*, or be forbidden to be *repleviſed* or *bailed*, by the ſtatute of Weſtminſter the Firſt; and furthermore that any perſons, arreſted for manſlaughter, felony, *being bailable by the law*, ſhall not be let to bail or mainprize, by any Juſtices of Peace, but in the form therein after preſcribed."—In the two preceding ſtatutes, the words *bailable*, *repleviſable* and *mainpernable* are uſed ſynonymouſly * or promiſcuouſly to expreſs the ſame ſingle intention of the legiſlature, viz. *not to accept of any ſecurity but the body of the offender*; and when the latter ſtatute preſcribes the form, in which perſons arreſted on *ſuſpicion* of felony *(being bailable by the law)* may be let to bail, it evidently ſuppoſes that there are ſome caſes, *not* bailable by the law.—It may be thought perhaps, that I attribute to the legiſlature an appearance of inaccuracy in the uſe of terms, merely to ſerve my preſent purpoſe. But, in truth, it would make more forcibly for my argument to preſume that the legiſlature were conſtantly aware of the ſtrict legal diſtinction between *bail* and *replevy*, and that they always meant to adhere to it †. For if it be true that *replevy* is by the Sheriffs, and *bail* by the higher courts at Weſtminſter, (which I think no lawyer will deny) it follows that, when the legiſlature expreſsly ſay, that any particular offence is by law *not bailable*, the ſuperior courts are comprehended in the prohibition, and bound by it. Otherwiſe, unleſs there was a poſitive exception of the ſuperior courts (which I affirm there never was in any ſtatute relative to bail) the legiſlature would groſsly contradict themſelves, and the manifeſt intention of the law be evaded. It is an eſtabliſhed rule that, when the law is *ſpecial*, and the reaſon of it general, it is to be *generally* underſtood; and though, by cuſtom, a latitude be allowed to the Court of King's Bench, (to conſider circumſtances inductive of a doubt whether the priſoner be guilty or innocent) if this latitude be taken as an arbitrary power to bail, when no circumſtances whatſoever are alledged in favour of the priſoner, it is a power without right, and a daring violation of the whole Engliſh law of bail.

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* 2 Hale, p. c. 2. 124.

† *Vide* 2. Inſt. 150. 186.—" The word *repleviſable* never ſignifies *bailable*. *Bailable* is in a Court of Record by the King's Juſtices; but *repleviſable* is by the Sheriff."

Selden, State Tr. 7. 149.

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The act of the 31ſt of Charles the Second (commonly called the *Habeas Corpus Act*) particularly declares, that it is not meant to extend to treaſon or felony plainly and ſpecially expreſſed in the warrant of commitment. The priſoner is therefore left to ſeek his *Habeas Corpus* at common law; and ſo far was the legiſlature from ſuppoſing that perſons, (committed for treaſon or felony plainly and ſpecially expreſſed in the warrant of commitment) could be let to bail by a ſingle Judge, or by the whole Court, that this very act provides a remedy for ſuch perſons, in caſe they are not indicted in the courſe of the term or ſeſſions ſubſequent to their commitmitment. The law neither ſuffers them to be enlarged before trial, nor to be impriſoned after the time, in which they ought regularly to be tried. In this caſe the law ſays, "It ſhall and may be lawful to and for the Judges of the Court of King's Bench and Juſtices of Oyer and Terminer, or General Gaol Delivery, and they are hereby required, upon motion to them made in open court, the laſt day of the Term, Seſſion, or Gaol Delivery, either by the priſoner or any one in his behalf, to ſet at liberty the priſoner upon bail; unleſs it appear to the Judges and Juſtices, upon oath made, that the witneſſes for the King could not be produced the ſame Term, Seſſions, or Gaol Delivery." Upon the whole of this article I obſerve, 1. That the proviſion, made in the firſt part of it, would be, in a great meaſure, uſeleſs and nugatory, if any ſingle Judge might have bailed the priſoner, *ex arbitrio*, during the vacation; or if the Court might have bailed him immediately after the commencement of the term or Seſſions.—2. When the law ſays, *It ſhall and may be lawful* to bail for felony under particular circumſtances, we muſt preſume that, before the paſſing of that act, it was *not* lawful to bail under thoſe circumſtances. The terms uſed by the legiſlature are *enacting*, not *declaratory*.—3. Notwithſtanding the party may have been impriſoned during the greateſt part of the vacation, and during the whole ſeſſion, the court are expreſsly forbidden to bail him from that ſeſſion to the next, if oath be made that the witneſſes for the King could not be produced that ſame Term or Seſſions.

Having faithfully ſtated the ſeveral acts of parliament relative to bail in criminal caſes, it may be uſeful to the reader to take a ſhort hiſtorical review of the law of bail, through its various gradations and improvements.

By the ancient common law, before and ſince the conqueſt, all felonies were bailable, till murder was excepted by ſtatute, ſo that perſons might be admitted to bail, before conviction,

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conviction, almoſt in every caſe. The ſtatute of Weſtminſter ſays that, before that time, it had not been determined, which offences were repleviſable, and which were not, whether by the common writ *de homine replegiando*, or *ex officio* by the Sheriff. It is very remarkable that the abuſes ariſing from this unlimited power of replevy, dreadful as they were, and deſtructive to the peace of ſociety, were not corrected or taken notice of by the legiſlature, until the Commons of the kingdom had obtained a ſhare in it by their repreſentatives; but the Houſe of Commons had ſcarce begun to exiſt, when theſe formidable abuſes were corrected by the ſtatute of Weſtminſter. It is highly probable that the miſchief had been ſeverely felt by the people, although no remedy had been provided for it by the Norman Kings or Barons *. "The iniquity of the times was ſo great, as it even forced the ſubjects to forego that, which was in account a great liberty, to ſtop the courſe of a growing miſchief." The preamble to the ſtatutes, made by the firſt parliament of Edward the Firſt, aſſigns the reaſon of calling it, "† becauſe the people had been otherwiſe entreated than they ought to be, the peace leſs kept, the laws leſs uſed, and *offenders leſs puniſhed* than they ought to be, by reaſon whereof the people feared leſs to offend;" and the firſt attempt to reform theſe various abuſes was by contracting the power of replevying felons.

For above two centuries following, it does not appear that any alteration was made in the law of bail, except that *being taken with vert or veniſon* was declared to be equivalent to indictment. The legiſlature adhered firmly to the ſpirit of the ſtatute of Weſtminſter. The ſtatute of 27th of Edward the Firſt directs the Juſtices of Aſſize to enquire and puniſh officers bailing ſuch as were *not bailable*. As for the Judges of the ſuperior courts, it is probable that, in thoſe days, they thought themſelves bound by the obvious intent and meaning of the legiſlature. They conſidered not ſo much to what particular perſons the prohibition was addreſſed, as what the *thing* was, which the legiſlature meant to prohibit, well knowing that in law, *quando aliquid prohibetur, prohibetur et omne, per quod devenitur at illud.* "When any thing is forbidden, all the means, by which the ſame thing may be compaſſed or done, are equally forbidden."

By the ſtatute of Richard the Third, the power of bailing was a little enlarged. Every Juſtice of Peace was autho-

* *Selden by N. Bacon*, 182.

† *Parliamentary Hiſtory*, 1. 82.

riſed to bail for felony; but they were expreſsly confined to perſons arreſted *on light ſuſpicion*; and even this power, ſo limited, was found to produce ſuch inconveniences that, in three years after, the legiſlature found it neceſſary to repeal it. Inſtead of truſting any longer to a ſingle Juſtice of Peace, the act of 3d Henry VII. repeals the preceding act, and directs, "that no priſoner, *(of thoſe who are mainpernable by the law)* ſhall be let to bail or mainpriſe, by leſs than *two* Juſtices, whereof one to be of the Quorum." And ſo indiſpenſably neceſſary was this proviſion thought, for the adminiſtration of juſtice, and for the ſecurity and peace of ſociety, that, at this time an oath was propoſed by the King to be taken by the Knights and Eſquires of his houſehold, by the Members of the Houſe of Commons, and by the Peers ſpiritual and Temporal, and accepted and ſworn to *quaſi unâ voce* by them all, which, among other engagements, binds them "not to let any man to bail or mainpriſe, knowing and deeming him to be a felon, upon your honour and worſhip. So help you God and all Saints. *"

In about half a century however even theſe proviſions were found inſufficient. The act of Henry the Seventh was evaded, and the legiſlature once more obliged to interpoſe. The act of 1ſt and 2d of Philip and Mary takes away intirely from the Juſtices all power of bailing for offences declared *not bailable* by the ſtatute of Weſtminſter.

The illegal impriſonment of ſeveral perſons, who had refuſed to contribute to a loan exacted by Charles the Firſt, and the delay of *Habeas Corpus* and ſubſequent refuſal to bail them, conſtituted one of the firſt and moſt important grievances of that reign. Yet when the Houſe of Commons, which met in the year 1628, reſolved upon meaſures of the moſt firm and ſtrenuous reſiſtance to the power of impriſonment aſſumed by the king or privy council, and to the refuſal of bail the party on the return of the *Habeas Corpus*, they did expreſsly, in all their reſolutions, make an exception of commitments, where the cauſe of the reſtraint was expreſſed, and did by law juſtify the commitment. The reaſon of the diſtinction is, that whereas when the cauſe of commitment is expreſſed, the crime is then known, and the offender muſt be brought to the ordinary trial; if, on the contrary, no cauſe of commitment be expreſſed, and the priſoner be thereupon remanded, it may operate to perpetual impriſonment. This conteſt with Charles the Firſt produced the act of the 16th of that king,

* Parliamentary Hiſtory, 2. 418.

by

by which the court of King's Bench are directed, within three days after the return to the *Habeas Corpus* to examine and determine the legality of any commitment by the king or privy council, and to do *what to juſtice ſhall appertain* in delivering, bailing, or *remanding* the priſoner.—*Now*, it ſeems, it is unneceſſary for the judge to do what appertains to juſtice. The ſame ſcandalous traffic, in which we have ſeen the privilege of parliament exerted or relaxed, to gratify the preſent humour, or to ſerve the immediate purpoſe of the crown, is introduced into the adminiſtration of juſtice. The magiſtrate, it ſeems, has now no rule to follow, but the dictates of perſonal enmity, national partiality, or perhaps the moſt proſtituted corruption.

To compleat this hiſtorical inquiry, it only remains to be obſerved that, the *Habeas Corpus* act of 31ſt of Charles the Second, ſo juſtly conſidered as another Magna Charta of the kingdom* "extends only to the caſe of commitments for ſuch criminal charge, as can produce no inconvenience to public juſtice by a temporary enlargement of the priſoner." —So careful were the legiſlature, at the very moment, when they were providing for the liberty of the ſubject, not to furniſh any colour or pretence for violating or evading the eſtabliſhed law of bail in the higher criminal offences. But the exception, ſtated in the body of the act, puts the matter out of all doubt. After directing the judges how they are to proceed to the diſcharge of the priſoner upon recogniſance and ſurety, having regard to the quality of the priſoner and nature of the offence, it is expreſsly added, "unleſs it ſhall appear to the ſaid Lord Chancellor, &c. that the party, ſo committed, is detained for ſuch matters, or offences, for the which, BY THE LAW THE PRISONER IS NOT BAILABLE.

When the laws, plain of themſelves, are thus illuſtrated by facts, their uniform meaning eſtabliſhed by hiſtory, we do not want the authority of opinions, however reſpectable, to inform our judgement or to confirm our belief. But I am determined that you ſhall have no eſcape. Authority of every ſort ſhall be produced againſt you, from *Jacob* to *Lord Coke*, from the dictionary to the claſſic.—In vain ſhall you appeal from thoſe upright judges, whom you diſdain to imitate, to thoſe whom you have made your example. With one voice, they all condemn you.

"To be taken with the *Maner* is where a thief, having ſtolen any thing, is taken with the ſame about him, as it were in

* Blackſtone, 4. 137.

his

his hands, which is called *flagrante delicto*. Such a criminal is *not bailable by law*."—*Jacob, under the word Maner.*

" Thoſe who are taken with a *maner*, are excluded, by the ſtatute of Weſtminſter, from the benefit of a replevin."—*Hawkins. P. C.* 2. 98.

" Of ſuch heinous offences no one, who is notoriouſly guilty, ſeems to be *bailable* by the intent of this ſtatute."—*Ditto* 2. 99.

" The common practice, and allowed general rule is, that bail is only then proper where it ſtands *indifferent* whether the party were guilty or innocent."—*Do. Do.*

" There is no doubt but that the bailing of a perſon, *who is not bailable by law*, is puniſhable, either at common law as a negligent eſcape, or as an offence againſt the ſeveral ſtatutes relative to bail."—*Do.* 89.

" It cannot be doubted but that, neither the judges of this, nor of any other ſuperior court of juſtice, are ſtrictly within the purview of that ſtatute, yet they will always, in their diſcretion, pay a due regard to it, and not admit a perſon to bail, who is expreſsly declared by it irrepleviſable, *without ſome particular circumſtance in his favour*; and therefore it ſeems difficult to find an inſtance, where perſons, attainted of felony, or notoriouſly guilty of treaſon and manſlaughter, &c. by their own confeſſion, or *otherwiſe*, have been admitted to the benefit of bail, without ſome ſpecial motive to the court to grant it." *Do.* 114.

" If it appears that any man hath injury or wrong by his impriſonment, we have power to deliver and diſcharge him; —if otherwiſe, *he is to be remanded* by us to priſon again." —*Lord Ch. J. Hyde. State Trials.* 7. 115.

" The ſtatute of Weſtminſter was eſpecially for direction to the ſheriffs and others, but to ſay courts of juſtice are excluded from this ſtatute, I conceive it cannot be."—*Attorney General Heath. Do.* 132.

" The court, upon view of the return, judgeth of the ſufficiency or inſufficiency of it. If they think the priſoner *in law* to be *bailable*, he is committed to the Marſhal and bailed; if not, he is remanded."—Through that whole debate the objection, on the part of the priſoners, was, that no cauſe of commitment was expreſſed in the warrant; but it was uniformly admitted by their council that, if the cauſe of commitment had been expreſſed for treaſon or felony, the court would then have done right in remanding them.

The Attorney General having urged before a committee of both Houſes, that, in Beckwith's caſe and others, the Lords of the council ſent a letter to the court of King's Bench to bail; it was replied by the managers for the Houſe of Commons, that

that this was of no moment, "for that either the prisoner was *bailable by the law*, or *not bailable*;—if bailable by the law, then he was to be bailed without any such letter;—if not bailable by the law, then plainly the Judges could not have bailed him upon the letter, without breach of their oath, which is, *that they are to do justice according to the law*, &c. *State Trials.* 7. 175.

"So that, in bailing upon such offences of the highest nature, a kind of discretion, rather than a constant law, hath been exercised, when it stands *wholly indifferent* in the eye of the court, whether the prisoner be guilty or not." *Selden. St. Tr.* 7. 230, 1.

"I deny that a man is always bailable, when imprisonment is imposed upon him for custody." *Attorney General Heath, do.* 238.—By these quotations from the State Trials, though otherwise not of authority, it appears plainly that, in regard to *bailable* or *not bailable*, all parties agreed in admitting one proposition as incontrovertible.

"In relation to capital offences there are especially these acts of parliament that are the common *landmarks** touching offences bailable or not bailable." *Hale* 2. *P. C.* 127. The enumeration includes the several acts cited in this paper.

"Persons, taken with the *mainour*, are not bailable, because it is *furtum manifestum*." *Hale* 2. *P. C.* 133.

"The writ of *Habeas Corpus* is of a high nature; for if persons be wrongfully committed, they are to be discharged upon this writ returned; or, if bailable, they are to be bailed; —*if not bailable, they are to be committed.*" *Hale* 2. *P. C.* 143. This doctrine of Lord Chief Justice Hale refers immediately to the superior courts from whence the writ issues.—"After the return is filed, the court is either to discharge, or bail, or *commit* him, as the nature of the cause requires." *Hale* 2. *P. C.* 146.

"If bail be granted, *otherwise than the law alloweth*, the party that alloweth the same, shall be fined, imprisoned, render damages, or forfeit his place as the case shall require." *Selden by N. Bacon.* 182.

"This induces an absolute necessity of expressing, upon every commitment, the reason for which it is made; that the court, upon a *Habeas Corpus*, may examine into its validity, and, *according to the circumstances of the case*, may discharge, admit to bail, or *remand* the prisoner." *Blackstone.* 3. 133.

"Marriot was committed for forging indorsements upon Bank bills, and upon a *Habeas Corpus*, was bailed, because

* It has been the study of Lord Mansfield to remove landmarks.

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the crime was only a great misdemeanor;—for though the forging the bills be felony, yet forging the indorsement is not." *Salkeld.* 1. 104.

" Appell de Mahem, &c. ideo ne fuit lesse a baille, nient plus que appell de robbery ou murder; quod nota, et que in robry et murder le partie n'est baillable." *Bro. Mainprise.* 67.

" The intendment of the law in bails is, *quod stat indifferenter* whether he be guilty or no; but, when he is convict by verdict or confession, then he must be deemed in law to be guilty of the felony, and therefore *not bailable at all.*" *Coke.* 2. *Inst.* 181.—4. 178.

" Bail is *quando stat indifferenter*, and *not* when the offence is open and manifest." 2 *Inst.* 189.

" In this case *non stat indifferenter* whether he be guilty or no, being taken with the *maner*, that is, with the things stolen, as it were in his hand." *Do. do.*

" If it appeareth that his imprisonment be just and lawful, he *shall* be *remanded* to the former gaoler; but, if it shall appear to the court that he was imprisoned against the law of the land, they ought, by force of this statute, to deliver him; if it be *doubtful*, and under consideration, he may be bailed." 2. *Inst.* 55.

It is unnecessary to load the reader with any farther quotations. If these authorities are not deemed sufficient to establish the doctrines maintained in this paper, it will be in vain to appeal to the evidence of law-books, or to the opinions of Judges. They are not the authorities, by which Lord Mansfield will abide. He assumes an arbitrary power of doing right; and, if he does wrong, it lies only between God and his conscience.

Now, my Lord, although I have great faith, in the preceding argument, I will not say, that every minute part of it is absolutely invulnerable. I am too well acquainted with the practice of a certain court, directed by your example, as it is governed by your authority, to think there ever yet was an argument, however conformable to law and reason, in which a cunning, quibbling attorney might not discover a flaw. But, taking the whole of it together, I affirm that it constitutes a mass of demonstration, than which nothing more compleat or satisfactory can be offered to the human mind. How an evasive, indirect reply will stand with your reputation, or how far it will answer in point of defence at the bar of the House of Lords, is worth your consideration. If, after all that has been said, it shall still be maintained, that the court

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court of King's Bench, in bailing felons, are exempted from all legal rules whatsoever, and that the Judge has no direction to purſue, but his private affections, or mere unqueſtionable will and pleaſure, it will follow plainly, that the diſtinction between *bailable* and *not bailable*, uniformly expreſſed by the legiſlature, current through all our law-books, and admitted by all our great lawyers without exception, is in one ſenſe a nugatory, in another a pernicious diſtinction. It is nugatory, as it ſuppoſes a difference in the bailable quality of offences, when, in effect, the diſtinction refers only to the rank of the magiſtrate. It is pernicious, as it implies a rule of law, which yet the Judge is not bound to pay the leaſt regard to, and impreſſes an idea upon the minds of the people, that the judge is wiſer and greater than the law.

It remains only to apply the law, thus ſtated, to the fact in queſtion. By an authentic copy of the *mittimus* it appears that John Eyre was committed for felony, plainly and ſpecially expreſſed in the warrant of commitment. He was charged before Alderman Halifax by the oath of Thomas Fielding, William Holder, William Payne, and William Naſh, for *feloniouſly ſtealing* eleven quires of writing-paper, value ſix ſhillings, the property of Thomas Beach, &c.—by the examinations, upon oath, of the four perſons mentioned in the *mittimus*, it was proved, that large quantities of paper had been miſſed, and that eleven quires (previouſly marked from a ſuſpicion that Eyre was the thief) were found upon him. Many other quires of paper, marked in the ſame manner, were found at his lodgings; and, after he had been ſome time in Wood-ſtreet Compter, a key was found in his room there, which appeared to be a key to the cloſet at Guildhall, from whence the paper was ſtolen. When aſked what he had to ſay in his defence, his only Anſwer was, *I hope you will bail me.* Mr. Holder, the Clerk, replied, *That is impoſſible. There never was an inſtance of it, when the ſtolen goods were found upon the thief.* The Lord Mayor was then applied to, and refuſed to bail him.—Of all theſe circumſtances it was your duty to have informed yourſelf minutely. The fact was remarkable, and the chief magiſtrate of the city of London was known to have refuſed to bail the offender. To juſtify your compliance with the ſolicitations of your three countrymen, it ſhould be proved that ſuch allegations were offered to you in behalf of their aſſociate, as honeſtly and *bona fide* reduced it to a matter of doubt and indifference whether the priſoner was innocent or guilty.—Was any thing offered by the Scotch triumvirate that tended

to invalidate the positive charge made against him by four credible witnesses upon oath?—Was it even insinuated to you, either by himself or his bail, that no felony was committed; —or that *he* was not the felon;—that the stolen goods were *not* found upon him;—or that he was only the receiver, not knowing them to be stolen?—Or, in short, did they attempt to produce any evidence of his insanity?—To all these questions, I answer for you, without the least fear of contradiction, positively, NO. From the moment he was arrested, he never entertained any hope of acquittal; therefore thonght of nothing but of obtaining bail, that he might have time to settle his affairs, convey his fortune into another country, and spend the remainder of his life in comfort and affluence abroad. In this prudential scheme of future happiness, the Lord Chief Justice of England most readily and heartily concurred. At the sight of so much virtue in distress, your natural benevolence took the alarm. Such a man as Mr. Eyre, struggling with adversity, must always be an interesting scene to Lord Mansfield.—Or was it that liberal anxiety, by which your whole life has been distinguished, to enlarge the liberty of the subject?—My Lord, we did not want this new instance of the liberality of your principles. We already knew what kind of subjects they were, for whose liberty you were anxious. At all events, the public are much indebted to you for fixing a price, at which felony may be committed with impunity. You bound a felon, notoriously worth thirty thousand pounds, in the sum of three hundred. With your natural turn to equity, and knowing, as you are, in the doctrine of precedents, you undoubtedly meant to settle the proportion between the fortune of the felon, and the fine, by which he may compound for his felony. The ratio now upon record, and transmitted to posterity under the auspices of Lord Mansfield, is exactly one to an hundred.—My Lord, without intending it, you have laid a cruel restraint upon the genius of your countrymen. In the warmest indulgence of their passions, they have an eye to the expence, and if their other virtues fail us, we have a resource in their œconomy.

By taking so trifling a security from John Eyre, you invited and manifestly exhorted him to escape. Although, in bailable cases, it be usual to take four securities, you left him in the custody of three Scotchmen, whom he might have easily satisfied for conniving at his retreat. That he did not make use of the opportunity you industriously gave him neither justifies your conduct, nor can it be any way accounted for, but by his excessive and monstrous avarice. Any other

other man, but this boſom-friend of three Scotchmen, would gladly have ſacrificed a few hundred pounds, rather than ſubmit to the infamy of pleading guilty in open court. It is poſſible indeed that he might have flattered himſelf, and not unreaſonably, with the hopes of a pardon. That he would have been pardoned ſeems more than probable, if I had not directed the public attention to the leading ſtep you took in favour of him. In the preſent gentle reign, we well know what uſe has been made of the lenity of the court and of the mercy of the crown. The Lord Chief Juſtice of England accepts of the hundredth part of the property of a felon taken in the fact, as a recognizance for his appearance. Your brother *Smythe* brow-beats a jury, and forces them to alter their verdict, by which they had found a Scotch ſerjeant guilty of murder; and though the Kennedies were convicted of a moſt deliberate and atrocious murder, they ſtill had a claim to the royal mercy.—They were ſaved by the chaſtity of their connexions.—They had a ſiſter,—yet it was not her beauty, but the pliancy of her virtue that recommended her to the King.—The holy author of our religion was ſeen in the company of ſinners; but it was his gracious purpoſe to convert them from their ſins. Another man, who in the ceremonies of our faith might give leſſons to the great enemy of it, upon different principles keeps much the ſame company. He advertiſes for patients, collects all the diſeaſes of the heart, and turns a royal palace into an hoſpital for incurables.—A man of honour has no ticket of admiſſion at St. James's. They receive him, like a virgin at the Magdalen's;—*Go thou, and do likewiſe.*

My charge againſt you is now made good. I ſhall however be ready to anſwer or to ſubmit to fair objections. If, whenever this matter ſhall be agitated, you ſuffer the doors of the Houſe of Lords to be ſhut, I now proteſt, that I ſhall conſider you as having made no reply. From that moment, in the opinion of the world, you will ſtand ſelf-convicted. Whether your reply be quibbling and evaſive, or liberal and in point, will be matter for the judgment of your peers;—but if, when every poſſible idea of diſreſpect to that noble Houſe, (in whoſe honour and juſtice the nation implicitly confides) is here moſt ſolemnly diſclaimed, you ſhould endeavour to repreſent this charge, as a contempt of their authority, and move their Lordſhips to cenſure the publiſher of this paper, I then affirm that you ſupport injuſtice by violence, that you are guilty of a heinous aggravation of your offence, and that you contri-

bute your utmoſt influence to promote, on the part of the higheſt court of judicature, a poſitive denial of juſtice to the nation.

JUNIUS.

To the Right Honourable Lord CAMDEN.

My Lord,

I Turn with pleaſure, from that barren waſte, in which no ſalutary plant takes root, no verdure quickens, to a character fertile, as I willingly believe, in every great and good qualification, I call upon you, in the name of the Engliſh nation, to ſtand forth in defence of the laws of your country, and to exert, in the cauſe of truth and juſtice, thoſe great abilities, with which you were entruſted for the benefit of mankind. To aſcertain the facts, ſet forth in the preceding paper, it may be neceſſary to call the perſons, mentioned in the *mittimus*, to the bar of the Houſe of Lords. If a motion for that purpoſe ſhould be rejected, we ſhall know what to think of Lord Mansfield's innocence. The legal argument is ſubmitted to your Lordſhip's judgment. After the noble ſtand you made againſt Lord Mansfield upon the queſtion of libel, we did expect that you would not have ſuffered that matter to have remained undetermined. But it was ſaid that Lord Chief Juſtice Wilmot had been *prevailed upon* to vouch for an opinion of the late Judge Yates, which was ſuppoſed to make againſt you; and we admit of the excuſe. When ſuch deteſtable arts are employed to prejudge a queſtion of right, it might have been imprudent, at that time, to have brought it to a deciſion. In the preſent inſtance you will have no ſuch oppoſition to contend with. If there be a judge, or lawyer of any note in Weſtminſter-hall, who ſhall be daring enough to affirm that, according to the true intendment of the laws of England, a felon, taken with the *maner*, *inflagranti delicto*, is bailable; or that the diſcretion of an Engliſh Judge is merely arbitrary, and not governed by rules of law,—I ſhould be glad to be acquainted with him. Whoever he be, I will take care that he ſhall not give you much trouble. Your Lordſhip's character aſſures me that you will aſſume that principal part, which belongs to you, in ſupporting the laws of England againſt a wicked Judge, who makes it the occupation of his life, to miſinterpret and pervert them. If you decline this honourable office, I fear it will be ſaid that, for ſome months paſt, you have kept too much company with the Duke of Grafton. When the conteſt turns upon the interpretation

terpretation of the laws, you cannot, without a formal surrender of all your reputation, yield the poſt of honour even to Lord Chatham. Conſidering the ſituation and abilities of Lord Mansfield, I do not ſcruple to affirm, with the moſt ſolemn appeal to God for my ſincerity, that in *my* judgment, he is the very worſt and moſt dangerous man in the kingdom. Thus far I have done my duty in endeavouring to bring him to puniſhment. But mine is an inferior, miniſterial office in the temple of juſtice.—I have bound the victim, and dragged him to the altar.

JUNIUS.

To the worthy LIVERYMEN *of the City of* LONDON.

Guildhall, Jan. 21, 1772.

GENTLEMEN,

THE dignity of the office, which your favour conferred upon me, forbids my engaging in a news-paper controverſy, begun in a moſt unbecoming manner, and carried on with little argument, but much indecent paſſion, by ſuch men as Mr. Robert Holloway, Mr. W. F. Jackſon, and Mr. James Stephen. The groſs perſonal abuſe, with which the preſs has ſpawned for many weeks, I regarded with contempt; but the ſtrong deſire I feel at all times to give you the fulleſt information of my public conduct, and of the faithful execution of thoſe powers, with which I am entruſted, will not ſuffer me any longer to remain ſilent, or to leave their calumnies unrefuted.

I am accuſed of violating the laws by permitting the bailiffs to apprehend perſons, for debt, and afterwards continuing them in priſon, by the authority of my office. The charge againſt me perſonally is highly aggravated by theſe men from the circumſtance of my having formerly ſtood forth in defence of the perſonal rights of the ſubject againſt *General Warrants*, and the frightful picture of the cruel confinement of many objects, now languiſhing in priſon for debt by my abuſe of power, thence receives a very deep and black colouring, and indeed from the contraſt becomes the more ſtriking and tragically alarming. The preſent complaint however is not an ingenious diſcovery firſt broached in my Sheriffalty, nor has the queſtion of the unlawfulneſs of impriſonment for debt been ſtarted as a new matter of debate and uncertainty ſince I was ſworn into office. In November,

vember, 1770, the merits of the caſe on the petition of theſe men were argued before the Judges of the Court of King's Bench. They were unanimous in the opinion, that the *law of the land* juſtified impriſonment for debt, and then remanded to priſon a debtor, who was brought before them by Habeas Corpus on purpoſe to try this very queſtion. At the ſame time they pointed out to the unhappy priſoners the only poſſible relief they could receive, an application to parliament for the alteration of the laws now actually in force reſpecting debtors. I have not heard that any ſuch application has yet been made, or that my predeceſſors in office were ſerved with actions for falſe impriſonment, becauſe they obeyed the cuſtomary writs of a ſuperior Court of Juſtice. The queſtion was long agitated, and in a variety of ſhapes, but that litigious mode of proceeding was deferred to the year of my Sheriffalty, by the ſubtle contrivance of a wicked and vindictive Adminiſtration. It was reſerved as a mark of vengeance againſt me, the devoted victim of their malice. I do not intend, Gentlemen, at your fair and impartial bar to avail myſelf of the plea, that if I had taken upon me to releaſe all debtors in this city and county, impriſoned by the ancient proceſs of law, I ſhould have been liable to innumerable actions for eſcapes, and to the payment of their reſpective debts. I deſpiſe the cowardly meanneſs of ſuch a defence. I have never ſhrunk from any danger in the ſupport of the laws of my country. But I aver that upon a cloſe examination of the ſtatute law of this kingdom, the deliberate judgment of one of our ſuperior courts of juſtice, and the private opinion of the ſoundeſt lawyers, whom I conſulted, I thought it my duty to direct the uſual warrants to iſſue in my name, as a miniſterial officer of law. I could not think myſelf juſtified, from a motive of compaſſion, which in every caſe of diſtreſs I feel, but in this had no right to indulge, if I had ventured to commit a manifeſt injury againſt a great number of creditors, who were purſuing the accuſtomed courſe of actions at law for the recovery of their property. I was not to decide on the wiſdom or equity of the law. My province was to obey, when it appeared clear and certain. My brother Sheriff, than whom Freedom has not a firmer friend, agreed with me in opinion of the law, as it now ſtands, and of the duty of our office. The ſentiments of the whole legiſlative body on this ſubject have been demonſtrated from time to time by the frequent acts for the *Relief of Inſolvent Debtors*, one of which paſſed in this parliament. Although an infamous majority in the Houſe of Commons robbed the Free-

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Freeholders of Middlesex of their right of representation, and of consequence deprived me of the satisfaction of giving my vote for so merciful an act. I rejoiced that the rigour of the law was mitigated by the interposition of parliament. I hope that such an act will soon pass to operate regularly at stated, short periods, under certain restrictions, or that we shall have an entire, new code of laws, respecting debtors, to reconcile the rights of a free people, with the interests of the most commercial country in the world. Yet while the law remains in its present state, I think it incumbent on a good subject not to obstruct its operations, but to yield a ready obedience.

The words of the Great Charter I hold sacred, "No Freeman shall be taken, or imprisoned, or be dissieised of his freehold, or liberties, or free customs, but by lawful judgment of his peers, or by the law of the land," and permit me to assure you, that, while I continue in office, through the extent of the jurisdiction you have assigned to me, no person shall suffer an illegal imprisonment. I acknowledge no authority but what is founded on the laws and the constitution. As a private man, I was engaged for many years in an important struggle for the liberty of the subject against the great officers of the crown. It was at length terminated by the annihilation of the power, which they had usurped. I am at this time armed with your authority to withstand every encroachment on the personal rights and privileges of my fellow subjects in this city and the county of Middlesex. They shall therefore now find relief in the most effectual and summary way. I should blush, if any person suffered an injury, which I had the power but wanted the spirit, to redress. If illegal violence shall be exercised, I will oppose it with vigour, should the usurpation originate from any man, or body of men, however respectable, or be supported by any power, however formidable. The law alone shall determine on the liberty of each individual, nor shall the wanton caprice of a wretched set of despotic ministers sport with the imprisonment of their equals, the Freemen of this land. A very short period shall be put to such lawless oppression. I am happy in the hearty concurrence of my worthy colleague, with respect to the whole plan of future conduct. We rest in an entire confidence that we shall experience your steady support in the due execution of our office. On my own part I firmly promise, that through life I will continue the guardian of the laws, and the friend of the people. The same arbitrary faction, who the last winter trampled on the privileges

of

of the nation, and the franchiſes of the capital, ſtill continuing in power, and this day being to reſume their baneful and dangerous deliberations, we may ſoon expect a like atrocious invaſion of our rights. Prudence therefore calls loudly upon us to unite and prepare for a defence of whatever is moſt dear to us as men, as Engliſhmen, againſt theſe common enemies of our liberties. I am ſure you will not be wanting to your own honour and ſecurity, to the glory of your anceſtors, and the welfare of your poſterity. In your Sheriffs you will find men determined to ſerve you with fidelity and ſpirit, and zealous to obey the commands of the Livery of London.

I am, Gentlemen, &c.

JOHN WILKES.

HOUSE *of* LORDS *of* IRELAND.

Die Mercurii 18 *die Decembris* 1771.

A MOTION was made by the LORD VISCOUNT MOUNTMORRES, that an humble addreſs be preſented to his Majeſty, repreſenting, that it is the opinion of this Houſe, that the appointment which his Majeſty has been adviſed to make, of five Member of Parliament, to examine and paſs certain of the accounts of this kingdom, with the powers ſpecified in his Majeſty's letters, dated the 31ſt of October, 1771, the preſent circumſtances of this country being conſidered, is unneceſſary and inexpedient, and praying that his Majeſty will be graciouſly pleaſed to direct his Attorney-General, to cauſe the legality of ſaid appointment to be tried according to due courſe of law.

It paſſed in the negative.

Diſſentient,

1ſt, Becauſe we conceive that the appointment of five new commiſſioners for examining and perfecting the impreſted or extraordinary accounts of this kingdom, is UNNECESSARY, inaſmuch as the ancient commiſſioners appear to have been deemed ſufficient for ſome centuries paſt, and to have been ſo held by his Majeſty's miniſters in both kingdoms at his acceſſion; and even at a later period, viz. in 1766, when his Majeſty's laſt appointment of the ſaid commiſſioners was made, requiring them to ſtate and examine all the public accounts four times, inſtead of once in the year; ſince which time it cannot be pretended that any increaſe in that department, or in the other public occupations of the ſaid commiſſioners, hath ariſen, to require ſuch a new eſtabliſhment as that in queſtion; and we think it might imply an unmerited cenſure on the eminent perſons who at preſent conſtitute the antient

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antient commiſſion, if the neceſſity of ſuch new arrangement were now, for the firſt time, to be diſcovered and admitted.

2ndly, Becauſe it is to be preſumed, if the old board had not been deemed by his Majeſty's miniſters to be fully ſufficient, that they would not have rendered it leſs ſo, by ſuffering it to be deprived of one of its members, viz. *the Chancellor of the Exchequer*, who doth not reſide in this kingdom, nor execute any part of the duty of that office; and we conceive, if any inſufficiency in the old board could reaſonably be alledged, in conſequence of the avocations of the other great officers of the law, who compoſe it, that it might and ought to be remedied, by ordering the chancellor of the exchequer to attend, whereby inſtead of loading this country with a new expence, the ſalary of that office would circulate within this kingdom, whereas now it is expended abroad.

3dly, Becauſe the neceſſity of this appointment, if any, muſt ariſe either from the arrear of unpaſſed accounts heretofore incurred, and which is the only argument we have heard in ſupport of this new eſtabliſhment, or it muſt ariſe from the nature and extent of our accounts reſpecting the future. Now, firſt, we conceive that the new commiſſioners are directed to call before them, not ſuch perſons as *have*, but ſuch as *ſhall* receive any ſum or ſums by way of impreſt, that is, to act for the future, and not for the paſt, and that therefore the neceſſity of theſe new commiſſioners cannot be maintained on the ground of an arrear, which they are not directed to examine and ſettle: moreover, we think, that even if they were to have a retroſpect, it is utterly abſurd to eſtabliſh a permanent board for all time future, for the occaſional purpoſe of ſettling an arrear incurred in time paſt; a temporary appointment being ſufficient for ſuch a temporary office, whereby the expence to the public would ceaſe with the occaſion which produced it. Again, as to our accounts in future, we think it cannot be denied, that one Board of Commiſſioners of accounts would be ſufficient to diſcharge the whole buſineſs, if properly conſtituted; now, either the old board is ſo conſtituted, or it is not; if it is ſo conſtituted, it is ſufficient, and another is unneceſſary; if it is not ſo conſtituted, either it ought to be corrected, if capable of being rendered ſufficient, or if incapable thereof, it ought to be aboliſhed by due authority; and one board properly regulated and ſufficient, ſubſtituted in its room; whereas the preſent meaſure of government is to do neither; for it is to continue the old Board in its antient form, when, if it is inſufficient, is abſurd; and to add another

to do part of its duty, which is abſurd, if it be not inſufficient. It propoſes, in a word, not that we ſhould have one board properly regulated and ſufficient, but that we ſhould have two, each of which ſhall be ſo contrived as to be at leaſt ſeparately inadequate, and that not for the purpoſe of the one being a check and controul on the other, but wholly independent and diſtinct, which can be productive of evil conſequences only, as we apprehend, without one benefit.

4thly, Becauſe we think it to be INEXPEDIENT, inaſmuch as no new expence that can be avoided, ought to be incurred, at a period, when from the growing difficulties of the public, the wiſdom of parliament hath found it neceſſary, both in the ſeſſions of 1769, and in the preſent ſeſſion, to reduce very conſiderably, the ſum uſually expended on the internal improvement of the kingdom, and towards the ſupport of its great charitable foundations; when, notwithſtanding ſuch a retrenchment, government was obliged to borrow in the two laſt years 130,000l. in aid of the general revenue; when the next two years ſeem to threaten a ſtill greater encreaſe of national debt, the commons have deemed it neceſſary to vote in this ſeſſion, a loan of 200,000l. in aid of the general revenue, for the ordinary ſervice of the two years enſuing; when his majeſty's revenue, by decay of trade, and credit is declining, when notwithſtanding this country is more heavily burthened in proportion to her ability than Great Britain: and, notwithſtanding that the taxes of this kingdom exceed in their annual amount the whole circulating ſpecie of the nation, yet the expence of the public is greatly ſuperior to the revenue thereof. Even though the latter ſhould riſe again to as high an amount as it hath reached, at any period heretofore, which we cannot promiſe to ourſelves at preſent that it will; when, unleſs, inſtead of encreaſing, we ſhall diminiſh, the public charges, this kingdom will incur a larger debt, in a few years of profound tranquility, than it contracted during the whole of the late war, in which, this country undertook a larger ſhare of expence, than ever it had done in any war before: and when the ſpeech from the throne this ſeſſion of parliament, hath ſtated ſo emphatically the neceſſitous condition of this kingdom, and hath dictated œconomy in ſuch alarming terms.

5thly, Becauſe it appears, that at ſo late a period, as in the year 1757, the whole expence of the public in the article of commiſſioners of accounts amounted only to 360l. which expence, ſince that time, principally by the innovation of quarterly,

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terly, inſtead of annual accounts, hath increaſed to ſeven times that ſum, without any advantage to the public therefrom, as we apprehend—and which, in conſequence of this new eſtabliſhment, will at the loweſt eſtimate be augmented upon the whole, in more than a twenty fold proportion—and that in a ſeaſon of public diſtreſs, and of accumulating debt; whereas, in the firſt-mentioned period, this nation having recently diſcharged the whole capital of its antecedent debt, was free from all incumbrance whatſoever, and in a proſperous and riſing condition:—wherefore we humbly conceive, that it would be more ſeaſonable and expedient to reduce this article of the public charge, than to encreaſe it; and that nothing can be more prepoſterous in this light, than the preſent propoſition, by which this new board of inferior commiſſioners, for taking a very ſmall portion of the public accounts, will coſt the kingdom, on the moſt moderate calculation, above *ſixteen* times the ſum, which was paid in 1757, to the antient commiſſioners for the whole accounts of the nation.

6thly, Becauſe we conceive, that as any two of the ſaid five commiſſioners are authoriſed by theſe letters, to exerciſe all the extenſive and ſingular powers veſted thereby in the ſaid commiſſioners, great inconveniences, and much confuſion may follow therefrom; and that contradictory orders may be iſſued, each ſigned by two of the ſaid commiſſioners, without any apparent precedence, or ground of preference, in the one order over the other, whereby the perſons required to obey the ſame, may regulate their conduct, or be able to aſcertain, which they are to regard.

7thly, Becauſe, we conceive, if any encreaſe of expence in this department were at all expedient, or admiſſible, that the public intereſt would require, that the ſame ſhould be incurred rather by a moderate addition of profit to the antient commiſſioners, than by the creation of new ones, for many weighty reaſons, and eſpecially for that, by multiplying unneceſſary offices, the undue influence of the crown muſt be extended; for which purpoſe alone this appointment ſeems to us, indeed, to have been calculated; whether we conſider that ſignal miſmanagement and mal-adminiſtration, which hath rendered the arts of intrigue and corruption more than uſually requiſite, to counteract the force of juſt and national indignation; or whether we conſider the perſons appointed to theſe offices, who, inſtead of being ſelected from amongſt thoſe who have had public opportunities of teſtifying their peculiar fitneſs for, and experience in, the department of the national accounts; have been all taken, without a ſingle

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exception, from amongſt the repreſentatives of the people.

8thly, Becauſe we wiſh that the validity of the letters patent in queſtion to be brought to trial, inaſmuch as we apprehend that the ſame are illegal, for that the court of Exchequer is a court of antient juriſdiction for the purpoſe of hearing and determining all matters of account and revenue, with ſufficient officers and powers for adjuſting and determining the ſame, and for recovering all ſuch balances as may appear to be due thereon; in which court all queſtions of legal doubt, muſt be decided by the barons who know the law; and all queſtions of fact, by the conſtitutional trial by jury. And we conceive, that the executive power cannot, at this day, conſiſtently with the laws of the land, appoint any new judicature; nor any perſon or perſons whatſoever, ſave only the ancient judges and officers of the ſaid court, to hear and determine any matter or matters incident to the juriſdiction thereof; or to exerciſe any powers which may interfere with the ſaid juriſdiction. But the five new commiſſioners of accounts, appointed by his majeſty's letters patent, bearing date the 31ſt of October 1771, or any two or more of them, are authoriſed by ſaid letters,—" To call before them, once in every year, the Maſter of the Ordnance, the Clerks and Receivers of Fines and Caſualties, the Treaſurer of the Barrack Board, or Board of Works, and every accomptant and accomptants, whoſe accounts, by virtue of any former commiſſion, the ſaid commiſſioners or others exerciſing or occupying their places, were required and authoriſed to examine, except the accounts of the Vice Treaſurer and Receiver, or Receiver General, and the Treaſurer at War, or Paymaſter General, to call before them all ſuch perſons who ſhall, or may, from time to time, receive any ſum or ſums of money, by way of impreſt, either by warrant or order of government for his majeſty's ſervice, to exhibit to the ſaid commiſſioners all ſuch accounts, books, certificates, warrants, bills, and muniments whatſoever, as ſhall touch or concern the charge or diſcharge of the ſaid accounts remaining in their hands or cuſtody, or remaining in the hands, cuſtody, or poſſeſſion of any of his majeſty's officers or miniſters within this kingdom; and them, and every of them, by all ways and means they poſſibly can, to peruſe, caſt up, try, and examine; and upon trial, examination, and peruſal thereof, to make full, perfect, and juſt accounts or declarations of the account containing briefly the ſum and ſubſtance thereof in charge and diſcharge, as hath been heretofore uſed, the ſaid ſeveral accounts to be fairly engroſſed, in two parts, and by the ſaid commiſſioners, or any two or more

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more of them, ſigned and vouched, the one part to remain of record in the court of Exchequer there, and the other part to be delivered to the parties accountable, and to be to them, and every of them, their heirs, executors, and adminiſtrators, againſt the king, his heirs and ſucceſſors, a ſufficient warrant and diſcharge; and the ſaid commiſſioners, and every of them, are required to have ſpecial regard, that all ſuch petitions and demands as ſhall be by them allowed, have good and probable reaſons to maintain and prove the ſame, provided always that the ſaid parts of the ſaid account ſo as aforeſaid, to be delivered by the ſaid commiſſioners, or any two or more of them, ſo ſigned and delivered, ſhall not exonerate or diſcharge the ſaid accountants, or any of them, their heirs, executors, or adminiſtrators, of any ſuch debts, as ſhall be by the ſaid commiſſioners, or any two or more of them found due; and by the ſaid accomptants owing upon their ſaid accounts, until ſuch time as the ſaid accountants, and every of them, ſhall firſt take order with the king, for payment thereof, either by inſtallments or otherwiſe, as to the ſaid commiſſioners, or any two or more of them, ſhall be thought meet and convenient." Which ſaid powers of allowing petitions and demands, and granting diſcharges to accomptants, we conceive will amount to a determination of matters incident to the juriſdiction of the ſaid court of Exchequer, and will alſo eſſentially interfere with the ſaid juriſdiction, inaſmuch as accomptants, having obtained ſuch diſcharges, will not, according to the tenour of the ſaid patents, be obliged to render any account to the ſaid court of Exchequer; but may, if the proviſion of the ſaid patents ſhall be conſidered as valid, plead ſuch diſcharges in bar of any account, demanded of them before the ſaid court. We further apprehend, that the ſaid new commiſſioners, conſtituted with the aforeſaid powers, are a new judicature, notwithſtanding any patents that have heretofore been granted to commiſſioners of accounts in this kingdom, inaſmuch as all ſuch former patents muſt, if legal, have been founded either in the ſtatute of the tenth of Henry the 7th chap. 1, or in the common law, which is common uſage; now, ſo far as the ſaid ancient patents may have been founded on the ſaid ſtatute, they can be no authority or example for the preſent patents, which do in no ſort purſue that ſtatute; and if in any part they were founded in common uſage, the uſage muſt be taken entire: now it has been at all times a part of that uſage by ſuch patents to grant the commiſſion for taking accounts to the barons of the Exchequer, and certain great officers of the law for the time being,

and

and that without any tenure, but as incident to their reſpective offices, whereas the new commiſſioners are granted for a tenure during the king's pleaſure, to perſons unſkilled in the law, altogether independent of, and unconnected with the ſaid court of Exchequer, contrary to every appearance of old uſage, as well as to the ſpirit of that excellent ſtatute of the 5th of Richard the 2d, which enacts, that no baron of the Exchequer, clerk of the pipe, appoſer clerk, of the foreign ſummonſes, auditors, or other chief officers of the Exchequer, ſhould be made, unleſs he be well learned in the law, or otherwiſe very ſkilful in the courſes and uſage of the Exchequer; WE therefore apprehend, that the ſaid former patents, if founded in the ſaid ſtatute of Henry VII. can be no example of theſe new patents, which are not founded therein, nor can the ſame, if founded in uſage, be any precedent of patents, which eſſentially differ from the uſage obſerved therein. Neither do we conceive that there is a power in the crown of deſtroying, dividing, or altering the ancient offices eſtabliſhed by law.

9thly. Becauſe there are, in the ſaid Court of Exchequer, certain ancient clerks or officers called Auditors of Impreſt, whoſe duty it is to take all foreign and impreſted accounts, and to perfect the ſame; and we conceive, that all ſuch matters touching the ſaid accounts as are miniſterial, may be well and effectually tranſacted by the ſaid officers, and do of right belong to their office;—ſo that the inſtitution of new commiſſioners of accounts, ſo far as they are miniſterial, is at leaſt ſuperfluous; and ſo far as they are judicial, is, we conceive, manifeſtly illegal.

10thly. Becauſe the ſaid new commiſſioners, or any two of them are impowered by the ſaid letters patent, to give and allow, at diſcretion, to any perſon or perſons employed in or about the ſaid accounts, or in any thing concerning the ſame, ſuch ſum or ſums of money, or other recompence as to the ſaid commiſſioners ſhall ſeem meet and convenient.—And we apprehend, that to delegate ſuch a diſcretionary power, over the revenue, to any perſons whatſoever, is repugnant to the firſt principles of law, and of moſt dangerous example.

11thly. Becauſe we conceive, that whatever new inſtitution, tends to the diſquietneſs, miſchief, and delay of the ſubject, and is no advantage to the king, is therefore againſt law.—But this new inſtitution appears to us manifeſtly to tend to the diſquiet, miſchief, and delay of the ſubject, in as much as it requires perſons to account before commiſſioners,

who

who are not bound by any oath to adminiſter juſtice impartially or according to law—neither have they any certain rules of law, or approved uſage, by which to govern their proceedings; neither is their court to be open at all times, for receiving accounts, and regularly diſpatching the ſame, they being only authorized to take accounts once in every year.—And the ſaid inſtitution appears to us on the other hand to contribute in no ſort to the advantage of the king, but on the contrary, to the manifeſt injury of his revenue, inaſmuch as no power is given to the ſaid commiſſioners to examine any accountant upon oath; neither as we conceive is there, or could there be, any power granted to them by the ſame patent, to enforce the appearance of any accountants, or others, nor to examine any perſons, nor parties to the ſaid accounts; nor to puniſh for any forged receipts, or other frauds; nor in any wiſe, to compel payment of any balance that may appear to be due, and alſo inaſmuch as the ſaid commiſſioners, are authorized at their pleaſure, to permit accountants to diſcharge their balances by inſtallments; whereas by the courſe of the Exchequer, according to the oaths of the barons, and of the old law of the land, none of the king's debts, were to be put in reſpite, or payment thereof allowed to be poſtponed, where the ſame might be goodly levied:—From all which we draw this general concluſion, that this novel courſe, tendeth to the diſquietneſs, miſchief, and delay of the ſubject, is no advantage to the king, and therefore is againſt law and ought not to be allowed.

12thly. Becauſe the ſaid new commiſſion doth under the general words of the Receivers of the King's Fines and Caſualties, ſeem to draw all ſheriffs from the ſaid court of Exchequer, to account before the ſaid commiſſioners; whereas the ſaid ſheriffs are bound by their oath, their office, and the law of the land, to account in the Exchequer, and there only, and the ſubjecting them to any other juriſdiction would be a manifeſt grievance to them and to the public.

13thly. Becauſe we conceive it of the moſt dangerous tendency to Great Britain, as well as to this kingdom, that the ſyſtem of juriſprudence, and the rights and powers of the great courts of juſtice, which are the ſame in both countries, ſhould be violated in either: For that in the preſervation thereof alone, our liberties can be ſecure—as by every encroachment thereon in former times, the public freedom hath

been

been brought to the brink of ruin, and the pillars of the conſtitution ſhaken to their foundation.

LEINSTER	SYDNEY
WESTMEATH	LONGFORD
SHANNON	KNAPTON
LANESBOROUGH	POWERSCOURT
LOUTH (per proxy)	BELLAMONT
MOIRA	MORNINGTON
MOUNT CASHELL	WANDESFORD
CHARLEMONT	MOLESWORTH
LISLE	BECTIVE
BALTINGLASS	MOUNTMORRES

Parliamentary Proceedings of IRELAND *continued.*

The following ſpeech was made by Sir Lucius O'Brien, on Wedneſday the 11th inſt. when the motion for a reſolution concerning the new board of accounts came on in the houſe.

Sir George Macartney (the leader of the flock) opened the debate; and was ſeconded by Mr. A. Malone, who ſpread an univerſal languor through the houſe by a heavy, ſleepy, and cold oration, coldly delivered, and coldly received—He was anſwered by Sir Lucius O'Brien.

The SPEECH of Sir LUCIUS O'BRIEN.

"I HAVE frequently experienced that there are certain ſpeakers, whoſe oratorical powers have ſuch a peculiar turn and effect, that they fairly lull the audience into a lethargy; that they throw an impenetrable miſt over the mind; and inſtead of rouſing the ear which liſtens to them, cover it with drowſineſs and torpitude. Of this melancholy race, is a certain honourable gentleman, whoſe humming periods ſtill murmur in my ear. Such ſoporific qualities are infectious: the debate is hardly begun, and yet the houſe already yawns from ſide to ſide: and, for my own part, I confeſs, that tho' my heart now beats with every honeſt ſentiment that the love of my country can inſpire, I fear I ſhall ſcarce find animated language to expreſs them.

"My opinion of the reſolution for a new board of accounts may be given in a few words. I deteſted it from the beginning, and I ſtill deteſt it. I have pondered, examined, canvaſſed every reaſon, every argument that has been adduced in its favour, with the utmoſt candour and impartiality; I have read the pleadings of its advocates: heard the opinions

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of its abettors, and honeſtly weighed them in my own mind, —yet ſtill, ſtill I deteſt it. I confeſs, had I no other motive for declaring againſt it, than that it is a brat begot by the avowed leaders of corruption and venality, I ſhould be ſtartled, and ready to take the alarm;—from the known depravity of the parents, I ſhould be apt to ſuſpect the baſtard was tainted with contagion and hereditary evil: but, excluſive of theſe motives, the nature of the offſpring marks from whence it came; it is raſh, choleric, and deſperate, like the dark minds which gave it birth.

"This motion is big with miſchief, and I ſee it. In the name of ſound policy, what have we to do with a board of accounts? It is now thought neceſſary to become ſo very circumſpect in the auditing and ſettling the public accounts, have we not a committee of accounts in this houſe, who can manage the whole buſineſs, and reduce it into diſtinct channels and departments, by a little extraordinary application? What occaſion is there then for a new acceſſion of expence to our national debts, or for any new addition to that weight which always makes us to ſtoop to the earth?—But it is pleaſant to obſerve the ſudden inclination theſe gentlemen have taken to ſerve their country. They are anxious, very anxious for the ſafety of the public monies—the public revenues—the public intereſt.——Oh—they are afraid the eſtimates are not properly ſtated, the accounts are not exactly ſettled!——Confuſion! do they not bluſh when they ſpeak theſe things? But we ſee through the flimſy deceit—Alas! gentlemen, for whoſe ſake are theſe things ſo? If the public accounts are confuſed who are the confuſers? If the public coffers have been robbed who are the robbers? If the public intereſt has been laviſhly ſquandered in ſuperfluities, who have been the prodigals?—Take my word for it, if the public money had been applied only to public purpoſes, there had been now no need of a motion for creating a new board of accounts to bribe knaves, and to glut paraſites.

"Our accounts have been examined for a long ſeries of years by commiſſioners appointed for that purpoſe, with the aſſiſtance of one or two clerks. So far as it was in their power to give ſatisfaction, they have given it. But the miſchief ariſes from another ſource. If peculation has been committed, it took its riſe in receſſes where they had no power to ſearch for it. "Well, (replied theſe virtuous gentlemen of the court) granting that, our new board will obviate theſe objections, and remedy all grievances, by the full power inveſted in its commiſſioners to ſend for perſons, papers, and re-

cords, and to ſearch into every office and department for information."—Ridiculous argument! as if every one does not know, that a viceroy will have only to ſay to theſe boaſted commiſſioners, "Say this"—and behold they ſay it—"Do this"—and behold they do it.

"But worſe ſtill remains behind. Our new board will coſt us ſome money. Four of you, gentlemen zealous as ye ſeem to be for the public good, anxious as ye are for the public œconomy, will not fill up the places of theſe commiſſioners without being paid for it: ye will not caſt up accounts for nothing: therefore we are told that four commiſſioners are to have a yearly ſalary of five hundred pounds each. A fifth man will not take the trouble of ſitting at the head of the board, without an additional gratuity: therefore we are told a preſident is to have eight hundred pounds per annum. Theſe muſt have a ſecretary, clerks, porters, and all other little vermin that uſually crawl about in public offices, devouring whatever they can touch. There muſt be alſo an office, &c. to do the buſineſs of corruption in; and all theſe together will throw an annual weight of nine or ten thouſand pounds into the ſcale of the national debt.—But all this is nothing to men who are accuſtomed to plunder. Shame on it! ye mercileſs law makers: look round ye, and ſee to what ſtate you have already reduced your country and countrymen—the former ſucceſsful in nothing but in accumulating debts and additional taxes, is daily loſing its trade and ſquandering its revenue; whilſt the latter wander about their own fair fields in beggary and wretchedneſs, without linen or ſhoes, and crouching to their Egyptian taſk maſters, who firſt enſlave them, and then ſtarve them.

"But let theſe gentlemen remember, that even the wicked, though they flouriſh for a time, will have a period. A day of reckoning will come, and then let thoſe tremble, who ought to tremble. In the mean time purſue your own ways, and follow the tract that is cut out for you. If we find that the crown has not already too much aſſumed power, that our liberties are not too much encroached upon, that our country is not too much burdened, and that your fellow iſlanders are not too much depreſſed and harraſſed—if ye find that theſe things are not ſo, why then, in God's name, vote for the motion: and as ye deal in the buſineſs according to your conſciences, even ſo may God deal with you!—As to myſelf, I deſire the ſame judgment, and therefore vote againſt the motion."

Sir

Sir Lucius O'Brien was anſwered by Mr. Forteſcue, who got up and ſpoke as follows:

Mr. FORTESCUE's Reply.

" The Honourable member who ſpoke laſt ſaid ſo many ſtrange things, that I cannot think he was in earneſt. He was too violent to be candid, too warm to be judicious: his eloquence burſts upon us like a flaſh of lightning, and like that too expires. I appeal to this Honourable Houſe for the truth of what I aſſert: The gentleman would do well therefore to inform us, *upon his honour*, whether he ſpoke *ſeriouſly* or not.

" I think I have examined the object of this motion as candidly and as impartially as the angry gentleman who ſpoke laſt; but I do not ſee the horrors, the miſchiefs that it is ſaid to be pregnant with. On the contrary, it is replete with thoſe obvious advantages, and that well digeſted policy which ought to recommend it to every true friend to his country. The Honourable Member who opened the debate enumerated the advantages which would reſult from this reſolution in ſo maſterly a manner, as ought to convince all thoſe who were not reſolved to be deaf to conviction. It was but doing juſtice to yourſelves as well as to your country, to let the *neceſſity* of the meaſure plead for it in oppoſition to every argument that could be adduced againſt it. For Heaven's ſake be conſiſtent, gentlemen, and all oppoſition to this motion will ſoon fall to the ground. Are ye not continually ringing in our ears, from day-to-day, from ſeſſion to ſeſſion, that the public money is either embezzled or miſapplied, that it is ſquandered away for private or corrupt purpoſes, and that it eſcapes from the public treaſury, nobody knows how or whither? And do ye now violently oppoſe the only meaſure that is capable of preventing its being embezzled or miſapplied, of its being ſquandered away for private purpoſes, and of its eſcaping from the treaſury?—For ſhame! gentlemen, if ye are patriots, be conſiſtent; add not the folly of inconſiſtency to the ſin of hypocriſy.

" True it is, however, that our money-liſt has been much neglected. Upwards of threeſcore years have paſſed ſince our accounts have been thoroughly inſpected and regulated; and, unleſs prevented by the interpoſitions of this ſalutary ſcheme, threeſcore more may glide away, and leave them ſtill involved in confuſion and errors. Thoſe ſtewards have an ample field to plunder in, whoſe books are never examined by a maſter's eye; and what will not villains attempt, when the terror of chaſtiſement is removed from before their eyes. If the ſtewards of our revenues have been hitherto reſtricted by no con-

troul, what reaſon have we to expect that they will be more honeſt, more virtuous, more temperate, than their neighbours on the other ſide of the channel?—Your Committee of accounts, of whom you talk ſo vauntingly, are two feeble props under ſo weighty a burden. However great their abilities and inclination for ſo important a taſk, their powers are too much reſtricted, and their time too limited, almoſt the whole of it being neceſſary to perform the functions of the high offices* which they judiciouſly fill. To remedy all theſe evils, only one ſcheme was practicable, viz. the creation of a new Board of Commiſſioners; and that one ye have oppoſed. Is this acting like patriots?——Once more I tell you, ye are inconſiſtent.

"I know ſome of you will lay hold of that ſtale argument, that the creation of new officers is an extention of the Royal Prerogative, and an acceſſion of ſtrength and power to the Crown. I anticipate this argument, becauſe I know it will be lugged in with the uſual aukwardneſs and impropriety. Frivolous aſſertion! as if the King was not the judge of his own thoughts, the maſter of his own counſels. Were the King's natural rights and power to be reſtrained by your limitations, to what would you reduce him?—Am not I the maſter of my own houſe? And do not you chuſe what ſervants you pleaſe? And will you ſnatch from the King a common general liberty which the meaneſt of his ſubjects enjoy? This would be throwing your chains over him with a vengeance, and converting him into the puppet of your wayward humours. It would be plucking the ſceptre out of his hand, and forcing him to kneel at his own footſtool.

"Thoſe gentlemen who ſtile themſelves patriots have been very liberal of their abuſe to another ſet of men whom they ſtile courtiers. But we need not be ſurpriſed, that thoſe who begun the ſeſſion with ſo much extravagance, ſhould carry it on to the end of it. To retaliate would be eaſy, but it is unneceſſary. The maſk of patriotiſm which they aſſumed to cheat the rabble rout, begins to drop off of its own accord, and to expoſe their naked features to contempt and ſcorn. We now find, that the voice which roared ſo loud was only the voice of faction, which exerted itſelf day and night for a ſhare of the loaves and fiſhes.—But the monſter will ſoon ceaſe to be troubleſome: its extreme efforts are now exerted:

* The Lord Chancellor, and the Chancellor and Barons of the Exchequer, are the preſent Commiſſioners.

and

and finding that all its endeaours are likely to be fruſtrated and rendered abortive, it is uttering the laſt groans of envy and deſpair.

Proceedings on Friday, Dec. 13.

The Houſe being very thin, little buſineſs was done. The conſideration of the Privilege Bill, and ſome others, were referred to the next week. Sir William Mayne aſked leave to go to Great Britain; when the queſtion being put, it was carried for being granted.——A petition ſigned by ſeveral of the creditors of William Howard was preſented to the Houſe, praying that leave might be given to bring in a bill, to veſt the property of the ſaid William Howard and Abraham Grier, in truſtees for the benefit of the creditors.——This petition was referred to a Committee to examine into the allegations therein contained, and report the ſame, and then the Houſe adjourned,

Proceedings on Saturday, Dec 14.

The Houſe being met, the order was read for reſolving into a Committee of the whole Houſe to take into conſideration the heads of a bill for granting a bounty on the carriage of corn coaſt-ways. Theſe heads were brought in by Sir Lucius O'Brien; but Mr. Forteſcue having prepared heads of a bill for the encouragement of agriculture, upon pretty near the ſame plan, each gentleman was deſirous of having the honour of introducing a meaſure evidently calculated for the public good; therefore the latter wanted to poſtpone the ſitting of the Committee for ſome days. This produced a ſlight altercation, and the queſtion for adjournment being put, on a diviſion there appeared *thirty-four* for, and *thirty-ſeven* againſt it.

The Committee then ſat (Mr. Burgh, jun. in the chair) and ſome ſmall progreſs was made and reported to the Houſe; when an order was made that the committee ſhould ſit again on Thurſday next. The Houſe then adjourned till next Tueſday, when a committee is to take into conſideration the cauſes of the late riſings and diſturbances in the counties of Antrim and Down; how to prevent ſuch in time to come, and to bring the offenders to condign puniſhment.

Friday, Dec. 20.

In a Committee of the whole Houſe, ſome further progreſs was made in the heads of a Bill for a bounty on the carriage of corn, coaſtways.

The Speaker having reſumed the chair, a report was received from the committee appointed to take into conſideration

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tion the riots of the people who call themſelves Hearts of Steel. The cauſes of theſe riſings were alledged to be an unlawful deſire of ſome inhabitants of the county of Antrim, to lower rent and tythes to the proportion they thought proper, and in conſequence thereof, aſſociations had been formed, and many outrages and murders committed.

One of the reſolutions of the Committee ſeemed very extraordinary, it was, "that it was the opinion of the Committee that ſundry notorious delinquents having been taken and committed to priſon, were tried for their offences at the laſt aſſizes for the county of Antrim, and were acquitted by the jury contrary to evidence given, and to the great ſurprize and diſſatisfaction of the whole court."

When the queſtion was put to agree with this reſolution, Mr. Forteſcue ſpoke againſt it in the ſtrongeſt terms, declaring he would never aſſent to any thing that could tend to leſſen the legal power of juries, which was the great palladium of liberty. The Provoſt anſwered him, that without agreeing to this reſolution there could be no means found to put a ſtop to theſe inſurrections; for the people would commit crimes with impunity, if they were ſure they ſhould be tried by a jury of their friends and relations, or by ſuch who were afraid to condemn them, leſt they ſhould be the next to ſuffer from their aſſociates, that the priſoners in queſtion were ſo conſcious of their guilt, that they had dreſſed themſelves in mourning, in expectation of ſentence of death. That on this reſolution he intended to move for a Bill, which (though a ſmall alteration of the conſtitution) was become neceſſary; namely, that the criminals in ſuch caſes, ſhould be removed to Dublin, to take their trials, by an unbiaſſed jury.

Mr. Daly and Mr. Forteſcue oppoſed ſuch a meaſure, as both dangerous and unjuſt; and Mr. O'Hara ſaid it would be alſo very cruel; as the accuſed, ſent hither, would have no chance for their lives; they would come with an odium of guilt on their backs, and could have no opportunity of getting witneſſes in their favour; beſides, the eſtabliſhment of juries decreed they ſhould be of their vicinage [their neighbourhood] that they might better judge of the innocence or guilt of the priſoners, and the validity of the evidence, from the knowledge the law ſuppoſes them to have of their lives and conduct, and which would be deſtroyed by ſuch a fatal meaſure.

Sir Lucius O'Brien ſpoke againſt the reſolution, as an act of the utmoſt injuſtice, in condemning the jury, unheard, and branding them with perjury and breach of duty, which

muſt

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muſt render them contemptible in the ſight of their neighbours.

Colonel Cunningham and Mr. Burgh, jun. moved to adjourn, as the Houſe was very thin, ſixty-four members only preſent, and the affair merited conſideration in a full Houſe. The Houſe adjourned accordingly.

Proceedings on Saturday, Dec. 21.

The Houſe being met, it reſolved into a Committee. Dr. Clement produced a report from the Committee, which had been appointed to examine the tranſmiſs of the Money Bill with the Bill ſent over, and report what alterations had been made therein, if any. The report being received and read, it appeared that three alterations had been made, viz. In the clauſe, laying a duty of one ſhilling per barrel on all herrings imported, the words, *except Britiſh herrings*, were added. In the clauſe, laying a duty on the importation of Romals, Cottons, or cotton mixed with linen, the words, *cotton or* were omitted. In the clauſe, laying a duty of ſixpence per yard on diapers and damaſks imported, the words, *except from Great Britain*, were added.

Mr. Ponſonby opened the debate; he obſerved, that theſe alterations, though of a few words, were of the utmoſt importance; for no leſs than the right of parliament, and the conſtitution of this kingdom, were at ſtake; that if we conſented to the altering of a Money Bill, there was an end of parliament; it would have no occaſion to aſſemble; for the Britiſh miniſtry would, by our paſſing over this invaſion of our rights, aſſume to itſelf the power of taxing Ireland. He then enlarged on the impropriety of each alteration, and how it would affect our commerce.

Counſellor Power endeavoured to palliate this matter: he ſaid, that theſe alterations did not levy a tax, but only altered the mode of raiſing it; that the omiſſion of the words, Cotton or, made no alteration in the tax, ſince Cotton would be equally charged; for by making a pauſe after Cotton, in the phraſe Cotton and Linen mixed, it would be read thus, Cotton—and Linen mixed; therefore, Cottons would be taxed, and Linen mixed would be taxed. He made uſe of ſuch a play on words, and ſuch ridiculous diſtinctions and evaſions as would have diſgraced a Jeſuit, or a Tholſel Attorney.

Colonel Burton replied, that this was ſuch a daring inſult on the power and privilege of the Iriſh Houſe of Commons, as had never been hitherto attempted, and if paſſed over, would render us mere ſlaves to an imperious and deſpotic Britiſh adminiſtration;

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miniſtration; and that he would never conſent to ſuch a flagrant act of tyranny, and ſuch a breach of the conſtitution.

Mr. Forſter ſpoke next, and with the moſt ſolid reaſoning confuted the arguments of Lawyer Power. He obſerved, that even allowing that gentleman's conſtruction of the ſecond alteration, it would be aſſuming a power of levying taxes; for if we disjoined the ſentence Cotton and Linen mixed, which plainly meant Cotton and Linen mixed together, then it would imply the taxing of Linen mixed—with what?—Why with ſilk, thread, yarn, or any thing elſe which was not deſigned to be taxed in the original—His whole ſpeech was very ſpirited, ſenſible, and energetic.

Mr. Barry Barry and Mr. Brownlow ſeconded what Mr. Forſter ſaid, and ſhewed that ſetting aſide the inſult by theſe alterations, if they were agreed to, they would be deſtructive to our trade: The excepting Britiſh herrings would open a channel for Dutch and Swediſh herrings to be imported, duty free, if they came through the medium of Great Britain; the ſame might be ſaid of Mancheſter and India cottons, both plain and printed, to the hurt of our own manufactures; and by the third alteration, damaſks and diapers from Hamburgh, Sileſia, &c. would be firſt imported into Britain, and then ſent here by ſhip loads, without paying any cuſtom.

Mr. Buſhe ſpoke next, with great warmth and ſpirit, againſt admitting theſe alterations, which, he ſaid, were an inſult on the Lord Lieutenant, on the friends of government, on the rights of parliament, and on the liberties of the whole Iriſh nation; to which, while he had life, he would never conſent.

Mr. Langriſh and Mr. Forteſcue next very forcibly oppoſed it. The latter obſerved that he had eſtabliſhed a manufacture of damaſks in his part of the country, which had already languiſhed, and the whole damaſk and diaper works in this kingdom would be deſtroyed by agreeing to this alteration. Beſides, it was ſuch an inſult to the Iriſh parliament, that he would oppoſe it at the expence of the laſt drop of his blood.

Such a generous warmth, ſuch a noble ſpirit was ſhewn by all parties againſt this depredation of our Liberty, that, after that poor creature, Power, had been ſilenced, it was thought none could be found baſe enough, or bold enough to ſpeak in defence of it—when, lo! Laborious languid Lill aroſe, and with a plauſible ſophiſtry ſtrove to defend it. Fearing, however, that his reaſons would be very inconcluſive, he endeavoured to frighten the Houſe into compliance, by laying before

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it the many inconveniencies that would attend the rejecting this Bill. That the taxes which were thereby to take place on December 25, not being to be raiſed, a moſt dreadful arrear of four hundred thouſand pounds would be incurred, to be provided for in the next Seſſions of Parliament, which would be the ruin of the nation. That, to be ſure, the alterations were not altogether defenſible; yet, as there was no alternative, it would be better to ſubmit to it, than to incur ſuch dreadful inconveniencies.

Col. Cunningham then aroſe to oppoſe the alterations, and very warmly expatiated on the inſult, but thought a milder way might be found, hinting, that, if the bill was paſſed, to prevent the inconveniencies mentioned, and accompanied with an addreſs of the Houſe to his Majeſty, declaring their rights, and the inſults offered to them, it might do.

Mr. French (though very ill) exerted himſelf very forcibly in the oppoſition. He ſaid, altering this Bill was a manifeſt breach of compact between the two kingdoms; for, by the Addreſs of the Lords and Commons of England to King William the Third, when in Ireland, it was agreed, that if Ireland would give up to Britain the Woollen Manufacture, it ſhould, in return, have its Linen Trade ſecured to it. Therefore, theſe alterations in favour of Foreign Cottons, Damasks, and Diapers, was ſtriking at the root of our Linen Works.

Colonel Brown ſpoke againſt alterations, and declared he would not agree to them. Colonel Owen Wynne, Mr. Holmes, member for Banagher, and Colonel John Wynne oppoſed the Bill, and declared that the addreſs would not be a ſufficient compenſation for the inſult. Mr. Forteſcue propoſed rejecting the bill, and opening the committees of ſupplies, and ways and means again, to bring in another bill, and no very bad conſequence could happen, as a fortnight would do the buſineſs, and the cuſtom-houſe holidays falling in that period, no great importations could be in that ſhort time.

Mr. Butler ſpoke next, and ſeconded Mr. Forteſcue, when, behold! another courtier aroſe, Mr. Attorney General, the Right Hon. Tedious Tiſdall, Eſq. He ſtrove to prove the ill conſequences of the alterations were not ſo great as ſome gentlemen affected to think them; but that as no committee, that had been cloſed, could be opened again without a prorogation, therefore he moved that the houſe ſhould be adjourned till Monday, that time might be given to think of ſome way of aſſerting the honour of the houſe, without rejecting the bill, which would be of great and evil conſequence.

The adjournment was ſtrongly oppoſed, as will be ſhewn; but it will alſo appear, from the remainder of this intelli-

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gence, that it ſlackened much the fire, which, at firſt had ſeized ſome of the courtiers.

Mr. Ponſonby replied to Mr. Attorney General, that he hoped there would be no adjournment, that gentlemen would not depart while this was undecided, nor once cloſe their eyes in ſleep, till their liberty was aſſerted, or their ſlavery confirmed.

Mr. Brabaſon Ponſonby ſeconded this argument, and Mr. Denis, Member for Youghall, very clearly proved, that the inconveniencies of rejecting this bill, were more imaginary than real, for a freſh bill might be brought in, without any committee of ſupplies, or ways and means ſitting again, for it may be formed on the reſolutions of thoſe committees.

Colonel Burton ſpoke again againſt any adjournment, as did Mr. Le Hunt, and Sir Edward Newenham, who obſerved, that it could only tend to give time to gain over to the court party thoſe who had had a generous indignation againſt ſuch an inſult.

Mr. O'Neil, member for Randalſtown, and Mr. Kearney, member for Kinſale, ſpoke very nervouſly, and in a moſt patriotic manner, to reject the bill. And things were in this ſtate when a new matter ſtarted. The gentle Swan obſerving what a ferment the houſe was in, had poſted away to the caſtle, and returned from it with a ſecond tranſmiſs; this he produced to the houſe, and pointed out that the ſecond alteration that had given ſo much offence to the houſe was not in the ſecond tranſmiſs. This gave a new turn to the debate. Col. Eyre ſpoke ſtrongly againſt either tranſmiſs, as there were alterations in both. Mr. Neville alſo ſpoke againſt it, and Mr. Flood in a few words urged that if one alteration was, as had been ſaid, a mere clerical error, the others were not ſo. It was true that the cuſtom is to ſend two tranſmiſſes, one by the way of the packet, and the other by the way of Donaghadee, leſt the former ſhould be loſt. Mr. Swan ſpoke again, in order to ſhew that the laſt tranſmiſs ſhould be attended to, and the former diſmiſſed, and the commiſſion under the great ſeal, annexed to each, directing the Lord Lieutenant to give the royal aſſent, would impower him to aſſent to which of them the houſe ſhould adopt.

Mr. Flood replied, that on the very principle that there were alterations in both, he hoped the houſe would adopt neither; any alteration was an infringement of their rights, which even the moſt venal ought to oppoſe: for if once the privilege of taxing ourſelves is taken from us, as a voice in parliament would be worth nothing, there could be nothing got

got by corruption, which from that moment would be at an end.

Sir Lucius O'Brien obſerved next, that as the two tranſmiſſes differed, they ought to be equally rejected, and he would not give his vote to receive either.

Colonel Brown, who like the gentle Swan, had taken a trip to the caſtle, ſeemed now very cool about the matter, and his former fire was quite extinguiſhed. He aſſured the houſe, that Lord Townſhend knew nothing of the alterations at four o'clock that day, but that he had had the ſeals opened of the ſecond tranſmiſs, which had juſt arrived, and had ſent it down to ſatisfy the houſe, therefore he was for agreeing with that tranſmiſs.

Mr. Forſter roſe again to oppoſe both, obſerving that tho' the ſecond tranſmiſs had not the ſecond alteration, yet it had the two others, which made it equally obnoxious with the firſt.

Lord Kildare propoſed that the houſe ſhould totally omit any conſideration of the ſecond tranſmiſs, but proceed upon the firſt which was then before them, and when that was diſpoſed of, a committee might be appointed to examine if any alterations were to be found between the ſecond tranſmiſs and the bill ſent over.

Behold, another courtier! Mr. Prime Serjeant ſpoke a long time againſt haſty reſolutions; deſired a delay for due conſideration on the meaſures which were proper to be taken; enlarged on the great and dreadful inconveniencies which would ariſe from rejecting this bill; and concluded that a new one could not be brought in this ſeſſions; for, in the time of Charles the Second, on an almoſt ſimilar caſe, the parliament was prorogued for one day, that a new bill might be brought in without breaking through the rules and ſtanding orders of the houſe.

Sir Lucius O'Brien roſe again, and ſaid, tho' he was willing to allow that the ſecond alteration was not deſigned, but was a clerical error, yet he would oppoſe any tranſmiſs that had any alteration.

Mr. Huſſey obſerved, that this was a trial of the Britiſh miniſtry to proſecute the deſigned plan of enſlaving two nations, but that as thoſe obnoxious miniſters had looked with contempt and indifference on the miſeries of a million of people, ſo he hoped that millions would, when the happy day comes, gaze with pleaſure on their puniſhment and ſufferings, when they ſhould atone for their crimes with their blood upon a ſcaffold.

The Speaker (as it was in a committee of the whole houſe, Mr. Malone in the chair) then aroſe, and ſpoke in a manner that will reflect unalterable glory on him, which muſt endear him to every Iriſhman who has the honour of his country at heart; and yet cannot, in juſtice, offend any but the friends of ſlavery. He obſerved, that he could not help allowing the inconveniencies which muſt follow the rejecting this bill were very great, yet if they were ten-fold, they were nothing to the conſequences attendant on the admitting the power of the crown to alter an Iriſh money bill. If that was allowed, there was at once an end to Iriſh liberty, and to the very exiſtence of parliament. That while he ſat in the houſe, he ſhould ever oppoſe ſuch a deſtructive meaſure; and ſhould it even depend on his caſting voice, he would give it to reject the bill. Yet there might be a method found to remedy both, by a new bill. The gentlemen have ſaid, that the ſtanding orders of the houſe were againſt bringing any matter a ſecond time before it, to prevent trouble and inconvenience; yet there was no eſtabliſhed law againſt it; and the houſe had the ſame power to diſpenſe with its rules and orders as it had to make them. He ſhould therefore adopt the propoſal of an honourable gentleman (Mr. Dennis) and agree that heads of a bill, may be brought in on the reſolution of the committee of ſupplies, and of ways and means.

Col. Brown ſpoke once more for the ſecond bill.

Sir George Macartney ſaid this was the moſt troubleſome affair he had ever met with in parliament; and he would have given half his fortune rather than it ſhould ever have come on. That the adminiſtration here was totally innocent of it; for, in the letter from Lord Rochford, which accompanied the tranſmiſs, it was mentioned that the bill was returned with ſome inconſiderable alteration. He then deſired that time might be given for conſideration, and that they would adjourn till Monday.

Counſellor Hamilton oppoſed any adjournment, and hoped gentlemen would not depart till they had aſſerted their own honour and privileges, by rejecting the bill.

Mr. Brown ſpoke for poſtponing, as did Mr. Swan. Mr. Brownlow ſpoke again againſt any adjournment; he deſired this the rather to ſave gentlemen from inconſiſtencies, and the ſhame of altering their conduct and ſentiments, which would be the conſequence of a delay, whereas now they could not be condemned for voting for their country, as it could not be contrary to any inſtruction, which would certainly follow poſtponing this affair till Monday.

Mr.

Mr. Berresford ſpoke for the adjournment. Mr. Buſhe againſt it. Colonel Cunningham again for it. Mr. Ralph Howard for it. Mr. Kearney again againſt it. Mr. Burke, jun. ſpoke for adjourning. Mr. Forteſcue ſpoke again againſt the adjournment, and Mr. Brown again for it.

At length the queſtion was put, "that the committee ſhould report to the houſe, that they had made ſome progreſs, and deſired leave to ſit again." The houſe divided, and the tellers reported, Ayes ſeventy-ſeven, Noes Ninety five.

This great affair being thus glorioufly decided, the queſtion was put to agree to the firſt paragraph, and it was carried in the negative. The reſt of the paragraphs were agreed to, and the committee broke up.

The Speaker having reſumed the chair, Mr. Prime Serjeant moved, that the report ſhould be received on Friday next, but that was over-ruled, and the report was received directly. Mr. Malone then reported, that the committee had agreed with the whole bill, except the firſt paragraph. The houſe agreed to the reſolution of the committee, and Mr. Flood moved, that the queſtion ſhould be put on the total rejection of the bill, which was carried in the affirmative, having only two negatives, viz. Sir George Macartney, and Mr. Burke, jun.

The houſe then reſolved into a committee to conſider on the heads of a new bill, on the reſolutions of the committees of ſupplies, and of ways and means—which after going through the neceſſary forms paſſed without oppoſition."

Monday, Dec. 23.

In a committee of the whole houſe (Mr. French in the chair) a further progreſs was made in the bill for granting a premium on the bringing corn coaſtways to Dublin; and when the Speaker had reſumed the chair, Mr. French reported the progreſs, and moved for leave for the committee to ſit again.

The Houſe then proceeded in the conſideration of the report of the committee appointed to enquire into the cauſes, &c. of the outrages of the Hearts of Steel. The reſolution to cenſure the jury at Armagh (mentioned before) had been recommitted, and ſomewhat ſoftened. The provoſt was very ſtrenuous for agreeing to the reſolution; and Mr. O'Neil gave the Houſe a ſtriking picture of the diſtreſſes of the people in that country from the exceſſes of theſe inſurgents. However, it was oppoſed by thoſe who thought verdicts ſhould not be cenſured. Mr. Forteſcue ſaid he ſhould ſhew himſelf an unworthy deſcendant of the great Judge Forteſcue in the reign of Henry VI. if he gave his aſſent to any infringement of the rights of juries. Mr. Flood, Mr. French, and

and Mr. Holmes, were of the ſame opinion. Counſellor Maunſell anſwered, that though verdicts were not properly cenſurable in criminal law, yet in civil cauſes, every motion and grant for a new trial was abſolutely a cenſure on the former verdict. Neither party ſeeming willing to concede, the Speaker made a freſh reſolution, importing, that "the fear of any hurt proceeding to jurors, in the county of Antrim, if they ſhould give their verdict againſt criminals, may be an obſtruction to the bringing offenders to juſtice, and thereby encourage them to continue their outrages from hopes of impunity." This judicious alteration, which made the allegation general, was given to Mr. O'Neil, who moved to put that in the place of the other reſolution, which was agreed to, as well as ſome others, and leave given to bring in heads of a bill to impower grand juries in theſe caſes to have the priſoners tried by a jury from another county.

Mr. Brownlow then preſented a petition to the Houſe, complaining, that Judge Robinſon had laid a fine of 200l. on the county of Armagh, on account of the roads not being properly repaired. This petition was referred to the Grand Committee of Courts of Juſtice to meet on the ſecond Friday after the receſs, to examine into the fact, and how far Judges are authorized to fine whole counties for the ill condition of the roads of particular baronies or diſtricts, and report the ſame to the Houſe.

Mr. Brown moved alſo, that the proper officer do lay before the Houſe the ſtate of the ſaid fine and the paſt proceedings thereupon.

Tueſday, December 24.

A committee of the whole Houſe (Mr. French in the chair) went through the heads of the corn bill, and the report is ordered to be received next Tueſday.

A meſſage from the Lords, by two Judges, brought word, that the Lords had agreed to the loan bill, without any amendment.

The Lord Lieutenant being come to the Houſe of Peers, the Commons were ordered to attend him there; and when the Speaker returned he reported that the Houſe had attended the Lord Lieutenant in the Houſe of Peers, and that his Excellency had given the Royal aſſent to the following bill.

For granting to his Majeſty, the ſeveral duties, rates, impoſitions, and taxes therein particularly expreſſed, to be applied to the payment of the intereſt of the ſums therein provided for, and towards the diſcharge of the ſaid principal ſums, in ſuch manner as therein directed.

The Houſe then adjourned to Tueſday, December 31.

The

The following Letter was inserted in a Daily Paper; by the ſtile ſome think it not to be the work of that admired author, the ideas, they ſay, are too vague, and the language too flat to come from the pen of Junius. The piece, however, has merit, on which account, and to oblige ſome of our correſpondents, we here inſert it.

JUNIUS to the Supporters of the Bill of Rights.

The following is the Letter preſented by John Wilkes, *Eſq; to the* Supporters *of the* Bill *of* Rights, *as the obſervations of the celebrated* Junius, *upon the long advertiſement from that Society. (See our number for November laſt.)*

Extract of a Letter to John Wilkes, *Eſq; dated* Sept. 7, 1771.

A MAN, who honeſtly engages in a public cauſe, muſt prepare himſelf for events, which will at once demand his utmoſt patience, and rouſe his warmeſt indignation. I feel myſelf, at this moment, in the very ſituation I deſcribe; yet from the common enemy I expect nothing but hoſtilities againſt the people. It is the conduct of our friends that ſurpriſes and afflicts me. I cannot but reſent the injury done to the common cauſe by the aſſembly at the London Tavern, nor can I conceal from you my own particular diſappointment. They had it in their power to perform a real, effectual ſervice to the nation; and we expected from them a proof, not only of their zeal, but of their judgment, Whereas the meaſure they have adopted is ſo ſhamefully injudicious, with regard to its declared object, that, in my opinion, it will, and reaſonably ought, to make their zeal very queſtionable with the people they mean to ſerve. When I ſee a meaſure, excellent in itſelf, and not abſolutely unattainable, either not made the principal object, or extravagantly loaded with conditions palpably abſurd or impracticable, I cannot eaſily ſatisfy myſelf, that the man who propoſes it, is quite ſincere as he pretends to be. *You*, at leaſt, Mr. Wilkes, ſhould have ſhewn more temper and prudence, and a better knowledge of mankind. No perſonal reſpects whatſoever ſhould have perſuaded you to concur in theſe reſolutions. But my own zeal, I perceive, betrays me; I will endeavour to keep a better guard upon my temper, and apply to your judgment in the moſt cautious and meaſured language.

I object, in the firſt place, to the bulk, and much more to the ſtile of your reſolutions of the 23d of July; though ſome part of the preamble is as pointed as I could wiſh, you talk of

of yourſelves with too much authority and importance. By aſſuming this falſe pomp and air of conſequence, you either give general diſguſt, or, what is infinitely more dangerous, you expoſe yourſelves to be laughed at. The Engliſh are a faſtidious people, and will not ſubmit to be talked to in ſo high a tone, by a ſet of private gentlemen, of whom they know nothing, but that they call themſelves *Supporters of the Bill of Rights.* There are queſtions, which, in good policy, you ſhould never provoke the people in general to aſk themſelves. At the ſame time, Sir, I am far from meaning to undervalue the inſtitution of this ſociety. On the contrary, I think the plan was admirable; that it has already been of ſignal ſervice to the public, and may be of much greater; and I do moſt earneſtly wiſh, that you conſider of, and promote a plan for forming conſtitutional clubs all through the kingdom. A meaſure of this kind would alarm government more, and be of more eſſential ſervice to the cauſe, than any thing that can be done relative to new-modelling the Houſe of Commons. You ſee then, that my objections are directed to the particular meaſure, not to the general inſtitution.

In the conſideration of this meaſure, my firſt objection goes to the declared purpoſe of the reſolutions, in the terms and mode in which you have deſcribed it, viz. *the extermination of corruption.* In my opinion, you graſp at the *impoſſible*, and *loſe the really attainable.* Without plaguing you or myſelf with a logical argument upon a ſpeculative queſtion, I willingly appeal to your own candour and judgment. Can any man in his ſenſes affirm, that, as things are now circumſtanced in this country, it is poſſible to *exterminate corruption?* Do you ſeriouſly think it poſſible to carry through both houſes ſuch a place-bill as you deſcribe in the fifth article; or ſuppoſing it carried, that it would not be evaded? When you talk of contracts and lottery tickets, do you think that any human law can really prevent their being diſtributed and accepted? In ſhort, Sir, would you, *bona fide*, and as a man of honour, give it for your expectation and opinion, that there is a ſingle county or borough in the kingdom, that will form the declaration recommended to them in the reſolutions, and inforce it upon the candidates? For myſelf, I will tell you freely, not what I *think*, but what I *know*; the reſolutions are either totally neglected in the country, or, if read, are laughed at, and by people who mean as well to the cauſe as any of us.

With regard to the articles taken ſeparately, I own I am concerned to ſee that the great condition, which ought to be

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the *ſine qua non* of parliamentary qualification, which ought to be the baſis, as it aſſuredly will be the only ſupport, of every barrier raiſed in defence of the conſtitution, I mean a *declaration upon oath to ſhorten the duration of parliaments*, is reduced to the fourth rank in the eſteem of the ſociety, and even in that place, far from being inſiſted on with firmneſs and vehemence, ſeems to have been particularly ſlighted in the expreſſion, *you ſhall endeavour to reſtore annual parliaments*. Are theſe the terms which men who are in earneſt make uſe of, when the *ſalus reipublicæ* is at ſtake! I expected other language from Mr. Wilkes. Beſides my objection in point of form, I diſapprove highly of the meaning of the 4th article, as it ſtands.—Whenever the queſtion ſhall be ſeriouſly agitated, I will endeavour, (and if I live will aſſuredly attempt it) to convince the Engliſh nation by arguments, to my underſtanding unanſwerable, that they ought to inſiſt upon a triennial, and baniſh the idea of an annual parliament.

Article 1. The terms of the firſt article would have been very proper a century or two ago, but they are not adapted to the preſent ſtate of the conſtitution. The king does not act *directly* either in impoſing or redreſſing *grievances*. We need not *now* bribe the crown to do us juſtice; and, as to the refuſal of ſupplies, we might puniſh ourſelves indeed, but it would be no way compulſory upon the king. With reſpect to his civil liſt, he is already independent, or might be ſo, if he had common ſenſe, or common reſolution; and as for refuſing to vote the army or navy, I hope we ſhall never be mad enough to try an experiment every way ſo hazardous. But, in fact, the effort would be infinitely too great for the occaſion; all we want is an honeſt repreſentative, or at leaſt ſuch an one as will have ſome reſpect for the conſtituent body. Formerly the houſe of commons were compelled to bargain with the ſovereign. At preſent they may preſcribe their own conditions. So much, in general, for grievances: as to particular grievances, almoſt all thoſe we complain of are, apparently, the acts either of the Lords or the Commons. The appointment of unworthy miniſters is not ſtrictly a grievance, (that is a legal ſubject of complaint to the king) until thoſe miniſters are arraigned and convicted in due courſe of law. If, after that, the king ſhould perſiſt in keeping them in office, it would be a *grievance* in the ſtrict legal ſenſe of the word, a would undoubtedly juſtify rebellion according to the forms, as well as the ſpirit of the conſtitution. I am far from condemning the late addreſſes to the throne; they ought to be inceſſantly repeated. The people, by the ſingular ſituation of

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their affairs, are compelled to do the duty of the houſe of commons.

Article 2. I object to the ſecond article, becauſe I think that multiplying oaths is only multiplying perjury. Beſides this, I am ſatisfied that, with a triennial parliament (and without it all other proviſions are nugatory) Mr. Grenville's bill is, or may be made, a ſufficient guard againſt any groſs, or flagrant offences in this way.

Article 3. The terms of the third article are too looſe and indefinite to make a diſtinct and ſerious impreſſion. That the people are not equally and fully repreſented is unqueſtionable, but let us take care what we attempt. We may demoliſh the venerable fabric we intend to repair; and where is the ſtrength and virtue to erect a better in its ſtead? I ſhould not, for my own part, be ſo much moved at the corrupt and odious practices, by which inconſiderable men get into parliament; nor even at the want of a perfect repreſentation (and certainly nothing can be leſs reconcileable to the theory than the preſent practice of the conſtitution) if means could be found to compel ſuch men to do their duty (in eſſentials at leaſt) when they *are* in parliament. Now, Sir, I am convinced that, if ſhortening the duration of parliaments (which in effect is keeping the repreſentative under the rod of the conſtituent) be not made the baſis of our new parliamentary juriſprudence, other checks, or improvements ſignify nothing. On the contrary, if this be made the foundation other meaſures may come in aid, and, as auxiliaries, be of conſiderable advantage. Lord Chatham's project, for inſtance, of increaſing the number of knights of ſhires, appears to me admirable, and the moment we have obtained a triennial parliament, it ought to be tried. As to cutting away the rotten boroughs, I am as much offended as any man at ſeeing ſo many of them under the direct influence of the crown, or at the diſpoſal of private perſons; yet I own I have both doubts and apprehenſions, in regard to the remedy you propoſe. I ſhall be charged, perhaps, with an unnſual want of political intrepidity, when I honeſtly confeſs to you, that I am ſtartled at the idea of ſo extenſive an amputation. In the firſt place, I queſtion the power, *de jure*, of the legiſlature to diſfranchiſe a number of boroughs upon the general ground of improving the conſtitution. There cannot be a doctrine more fatal to the liberty and property we are contending for, than that which confounds the idea of a *ſupreme* and an *arbitrary* legiſlature. I need not point out to you the fatal purpoſes to which it has been, and may be applied. If we are ſincere in the political

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creed we profeſs, there are many things which we ought to affirm cannot be done by King, Lords, and Commons. Among theſe I reckon the disfranchiſing a borough with a general view to improvement. I conſider it as equivalent to robbing the parties concerned of their freehold, of their birthright. I ſay, that although this birthright may be forfeited, or the exerciſe of it ſuſpended in particular caſes, it cannot be taken away by a general law, for any real or pretended purpoſe of improving the conſtitution. I believe there is no power in this country to make ſuch a law. Suppoſing the attempt made, I am perſuaded you cannot mean that either King or Lords ſhould take an active part in it. A bill which only touches the repreſentation of the people muſt originate in the Houſe of Commons, in the formation and mode of paſſing it. The excluſive right of the Commons muſt be aſſerted as ſcrupulouſly as in the caſe of a money bill. Now, Sir, I ſhould be glad to know by what kind of reaſoning it can be proved, that there is a power veſted in the repreſentative to deſtroy his immediate conſtituent: from whence could he poſſibly derive it? A courtier, I know, will be ready enough to maintain the affirmative. The doctrine ſuits him exactly, becauſe it gives an unlimited operation to the influence of the crown. But we, Mr. Wilkes, muſt hold a different language. It is no anſwer to me to ſay, that the bill, when it paſſes the Houſe of Commons, is the act of the majority, and not of the repreſentatives of the particular boroughs concerned. If the majority can disfranchiſe ten boroughs, why not twenty? Why not the whole kingdom? Why ſhould not they make their own ſeats in parliament, for life? When the ſeptennial act paſſed, the legiſlature did what apparently and palpably they had no power to do; but they did more than people in general were aware of; they disfranchiſed the whole kingdom for four years. For argument's ſake, I will now ſuppoſe, that the expediency of the meaſure, and the power of parliament, were unqueſtionable. Still you will find an inſurmountable difficulty in the excluſion. When all your inſtruments of amputation are prepared —when the unhappy patient lies bound at your feet, without the poſſibility of reſiſtance, by what infallible rule will you direct the operation? When you purpoſe to cut away the rotten parts, can you tell us what parts are perfectly ſound? Are there any certain limits, in fact or theory, to inform you at what point you muſt ſtop—at what point the mortification ends? To a man ſo capable of obſervation and reflection as you are, it is unneceſſary to ſay all that might be ſaid upon

the ſubject. Beſides that I approve highly of Lord Chatham's idea of "infuſing a portion of new health into the conſtitution to enable it to bear its infirmities," (a brilliant expreſſion, and full of intrinſic wiſdom) other reaſons concur in perſuading me to adopt it. I have no objection to paying him ſuch compliments as carry a condition with them, and either bind him firmly to the cauſe, or become the bittereſt reproach to him if he deſerts it. Of this laſt I have not the moſt diſtant ſuſpicion. There is another man, indeed, with whoſe conduct I am not ſo compleatly ſatisfied. Yet even he, I think, has not reſolution to do any thing flagrantly impudent in the face of his country. At the ſame time that I think it good policy to pay thoſe compliments to Lord Chatham, which in good truth he has nobly deſerved, I ſhould be glad to mortify thoſe contemptible creatures, who call themſelves noblemen, whoſe worthleſs importance depends entirely upon their influence over boroughs, and cannot be ſafely diminiſhed, but by encreaſing the powers of the counties at large. Among theſe men, I cannot but diſtinguiſh the meaneſt of the human ſpecies, the whole race of the *Conways*. I have but one word to add—I would not give repreſentatives to thoſe great trading towns, which have none at preſent. If the merchant and the manufacturer muſt be *really* repreſented, let them become freeholders by their induſtry, and let the repreſentation of the county be encreaſed. You will find the interruption of buſineſs in thoſe towns, by the triennial riots and cabals of election, too dear a price for the nugatory privilege of ſending members to parliament.

The remaining articles will not require a long diſcuſſion;—of the 4th and 5th articles I have ſpoken already.

Article 6. The meaſures recommended in the ſixth are unexceptionable. My only doubt is, how can an act *apparently* done by the Houſe of Commons be fixed, by ſufficient legal evidence, upon the Duke of G———n or Lord N——h, of whoſe guilt I am nevertheleſs compleatly ſatisfied? As for Lord W———h and Lord B———n, their own letters are a ſufficient ground of impeachment.

Article 7. The ſeventh article is alſo very proper and neceſſary. The impeachment of Lord M———d, upon his own paper, is indiſpenſable. Yet ſuffer me to guard you againſt the ſeducing idea of concurring in any vote, or encouraging any bill, which may pretend to aſcertain, while in reality it limits, the conſtitutional power of juries. I would have their right, to return a general verdict in all caſes whatſoever, conſidered as a part of the conſtitution, fundamental, ſacred,

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ſacred, and no more queſtionable by the legiſlature; than whether the government of the country ſhall be by King, Lords, and Commons. Upon this point, an enacting bill would be pernicious; a declaratory bill, to ſay the beſt of it, uſeleſs.

Article 8. I think the eighth article would be more properly expreſſed thus: *You ſhall grant no money, unleſs for ſervices known to, and approved of, by parliament.* In general the ſupplies are appropriated, and cannot eaſily be miſapplied. The Houſe of Commons are indeed too ready in granting large ſums under the head of *Extraordinaries incurred and not provided for.* But the accounts lie before them;—it is their own fault if they do not examine theſe. The manner in which the late debt upon the civil liſt was pretended to be incurred, and really paid, demands a particular examination. Never was there a more impudent outrage offered to a patient people.

Article 9. The ninth is indiſpenſable; but I think the matter of it fitter for inſtruction, than the declaration you have in view. I am very apprehenſive of clogging the declaration, and making it too long.

Article 10 and 11. In the tenth and eleventh you are civil to Ireland and America; and, if you mean nothing but oſtentation, it may poſſibly anſwer your purpoſe. Your care of Ireland is much to be commended. But, I think, in good policy, you may as well compleat a reformation at home, before you attempt to carry your improvements to ſuch a diſtance. Clearing the fountain is the beſt and ſhorteſt way to purify the ſtream. As for taxing the Americans by their own repreſentatives, I confeſs I do not perfectly underſtand you. If you propoſe that, in the article of taxation, they ſhould hereafter be left to the authority of their reſpective aſſemblies, I muſt own I think you had no buſineſs to revive a queſtion which ſhould, and probably would, have lain dormant for ever. If you mean that the Americans ſhould be authoriſed to ſend their repreſentatives to the Britiſh parliament, I ſhall be contented with referring you to what Mr. Burke has ſaid upon this ſubject, and will not venture to add any thing of my own, for fear of diſcovering an offenſive diſregard of your opinion. Since the repeal of the ſtamp act, I know of no acts tending to tax the Americans, except that which creates the tea duty; and even that can hardly be called internal. Yet it ought to be repealed, as an impolitic act, not as an oppreſſive one. It preſerves the contention between the mother country and the colonies, when every thing worth contending for is, in reality, given up. When this act is repealed, I preſume you will turn your thoughts to the poſtage of letters;

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ters; a tax impoſed by authority of parliament, and levied in the very heart of the colonies. I am not ſufficiently informed upon the ſubject of that exciſe, which you ſay is ſubſtituted in North America to the laws of cuſtoms, to deliver ſuch an opinion upon it as I would abide by: Yet I can eaſily comprehend, that admitting the neceſſity of raiſing a revenue for the ſupport of government there, any other revenue laws, but thoſe of exciſe, would be nugatory in ſuch a country as America. I ſay this with great diffidence as to the point in queſtion, and with a poſitive proteſt againſt any concluſion from America to Great Britain.

If theſe obſervations ſhall appear to deſerve the attention of the ſociety, it is for them to conſider what uſe may be made of them. I know how difficult and irkſome it is to tread back the ſteps we have taken; yet, if any part of what I have ſubmitted to you carries reaſon and conviction with it, I hope that no falſe ſhame will influence our friends at the London Tavern. Let my opinions be fairly examined.

JUNIUS.

January 21.

THIS day his majeſty came to the Houſe of Peers, and being in his royal robes ſeated on the throne with the uſual ſolemnity, Sir Francis Molyneux, gentleman uſher of the black rod, was ſent with a meſſage from his Majeſty to the Houſe of Commons, commanding their attendance in the Houſe of Peers: The Commons being come thither accordingly, his Majeſty was pleaſed to make the following moſt gracious ſpeech.

My Lords, and Gentlemen,

I T gives me much ſatisfaction, that nothing in the ſituation of our affairs, either foreign or domeſtic, has obliged me to require your attendance earlier than might have been conſiſtent with your private convenience; and that now you are met together, you will find yourſelves at liberty to give your whole attention to the eſtabliſhment of wiſe and uſeful regulations of law, and to the extenſion of our commercial advantages.

The performance of the engagement of the King of Spain, in the reſtitution of port Egmont and Falkland's Iſland, and the repeated aſſurances I have received of the pacific diſpoſition of that court, as well as of other powers, promiſe to my ſubjects the continuance of peace: and we may, with the greater confidence, hope, that we ſhall not be diſturbed in the enjoyment of this bleſſing, as there is no reaſon to apprehend that we ſhall become involved in the troubles which ſtill unhappily prevail in one part of Europe.

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The danger of the farther ſpreading of the infectious ſickneſs in Europe is, I truſt, very much abated. But I muſt recommend it to you, not to ſuffer our happineſs, in having been hitherto preſerved from ſo dreadful a calamity, to leſſen your vigilance in the uſe of every reaſonable precaution for our ſafety.

Gentlemen of the Houſe of Commons.

I have ordered the eſtimates for the ſervice of the current year to be laid before you. I make no doubt but you will ſee the propriety of maintaining a reſpectable eſtabliſhment of my naval forces: I am pleaſed, however, to find that I ſhall be under no neceſſity of aſking of you, at this time, any extraordinary aid.

My Lords, and Gentlemen,

The concerns of this country are ſo various and extenſive, as to require the moſt vigilant and active attention; and ſome of them, as well from remoteneſs of place, as from other circumſtances, are ſo peculiarly liable to abuſes, and expoſed to danger, that the interpoſition of the legiſlature for their protection may become neceſſary. If, in any ſuch inſtances, either for ſupplying defects, or remedying abuſes, you ſhall find it requiſite to provide any new laws, you may depend upon my ready concurrence in whatever may beſt contribute to the attainment of thoſe ſalutary ends.

Proceedings of the Houſe of Commons, *Tueſday January* 22.

AFTER the houſe had returned from waiting on his Majeſty, the ſpeech became the object of diſcuſſion. Lord Hinchinbroke in a ſtudied harangue, which he had not got very perfectly by heart, moved for an addreſs, and ſaid that, however much gentlemen might differ about the terms, none could have any objection to the firſt paragraph, which expreſſed their duty and affection to the ſovereign and his royal conſort, and their ſatisfaction at the increaſe of their family; that the wiſdom and paternal care of the king in preſerving us from the calamities of war, while at the ſame time he had aſſerted the honour and juſt rights of his people demanded their higheſt acknowledgments; that the preſent ſtate of the navy was reſpectable, but that from the peculiarity of his ſituation he could not expatiate on the ſubject, and that he begged the houſe's pardon for having ſaid ſo much. He then read the addreſs, and after the Speaker had done the ſame, Mr. Vane ſeconded his motion ſaying, that the noble Lord had expreſſed ſo fully and ſo juſtly that little remained for him to add; and that, if it was not cuſtomary on theſe occaſions to ſay ſomething, he could content himſelf barely with ſeconding the motion. He then briefly recapitulated the arguments of Lord Hinch-

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Hinchingbroke declaring that to congratulate the King on the different accounts mentioned by him was in fact to congratulate ourſelves; that as we were now, thro' the wiſdom of his Majeſty, at peace with all the world, and likely to remain ſo, they would have leiſure for directing their attention to domeſtic affairs; that the malverſation of the Eaſt India Company's ſervants called loudly for their interpoſition, and that he believed they ſhould have an opportunity of diſplaying their legiſlative wiſdom in adjuſting theſe matters. Here he run over the heads of the different charges brought againſt the Company and its ſervants, but as they are well known to the public, we ſhall ſay nothing of them. After he ſat down, every body expected that ſome member of the oppoſition would riſe! But behold! they were tongue-tied.

To the MINORITY in both HOUSES of PARLIAMENT.

My Lords and Gentlemen,

WHAT is become of that ſpirit of independance, which animated you laſt ſeſſion in defence of the national liberties? The firſt day of the ſeſſion you have ſuffered to paſs without the leaſt oppoſition; as if the King's ſpeech was really unexceptionable.—Lord North by the advice of Sandwich forbore to touch any diſcordant ſtring. Neither the affairs of Ireland nor the Manilla ranſom were mentioned. But was this artifice a ſufficient reaſon for your ſilence? On the contrary the ſtratagem ſhould have rouſed you into action. What tho' Sir William Draper has betrayed the companions of his victory? you ſhould not have followed his example. He is paid for his forbearance. Do you ſtand in the ſame predicament? We cannot, upon any other ſuppoſition eaſily account for your conduct. Yet let us hope the beſt, and attribute the whole to an overſight. You cannot all have been bribed in the perſon of brothers like Sir William Meredith. Some honeſt and independent men muſt ſtill remain among you. Why do not they ſtand forth, and continue to open the eyes of the nation to its multiplied grievances? Not a ſingle complaint has been yet ſatisfactorily anſwered by the crown. The affair of the Middleſex election continues in its old ſtate. All the remonſtrances and petitions have been laid up as uſeleſs lumber, or given to the maids of honour for thread-papers. If you allow matters to ſtand on this footing, the turn of the Houſe of Commons will come next. The tranſition is eaſy from the neglect of the people to the neglect of their repreſentatives. Indeed the latter is a neceſſary conſequence of the former. Be wiſe then, and check deſpotiſm in the bud. If you thus go to ſleep, and ſuffer it to take root, all is loſt: *illicet, actum eſt, periimus.*

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A View of the Origin of Scotch Ministers & Managers.



They go from the Devil to Court.
And from Court to the Devil again. Swift.

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THE

POLITICAL REGISTER.

For MARCH, 1772.

NUMBER LXI.

To the EDITOR.

SIR,

Secure in his retreat Vejanius lies,
Hangs up his arms, nor courts the doubtful prize;
WISELY reſolv'd to tempt his fate no more,
Or the light croud for his diſcharge implore.

FRANCIS' HOR.

UPON Mr. ———'s acceſſion to the government of the Leeward Iſlands, I had the honor to point out to you his non-ability for the execution of ſuch an office; upon his embarkation for Europe in conſequence of a leave of abſence from the adminiſtration, I aſſerted to you he never would reaſſume the reins of government, whatever proteſtations he might have made, or however he might have endeavoured to throw duſt in the poor deluded people's eyes; both theſe aſſertions you have ſeen verified; but it needed not the ſpirit of prophecy, or one riſen from the dead, to ſupport facts which were notorious to every man of diſcernment and common underſtanding; I hope therefore you will acquit me from having in the leaſt endeavoured to miſlead you or the public at large, in

reſpect to this gentleman's character. Theſe letters (which have no ſmall ſhare in the removal of Mr. —— from an office which nature never meant him for) have ever ſtood upon the firm and invincible pillars of truth; I aim at no rhetorical flouriſhes, I do not mean to captivate the paſſions of mankind, my weapons are, and ever ſhall be plain truth, dictated by common honeſt which needs no flowers of ſpeech. As I think I have proved Mr. —— to have been an unfit man to hold the reins of government, and to be his Majeſty's repreſentative in a diſtant part of his dominions; I do now ſtand forth and am bold enough to ſay his ſucceſſor — —— ——— is if poſſible a ſtill more unfit man, I do not attack him as I have ever done Mr. ——— for the want of parts, I never will arrogate to myſelf or derogate from the juſt merits of any man, ——— ——'s underſtanding we will then lay aſide, as I do moſt chearfully allow him to be a man of ſenſe; but his pride, vanity and hereditary notions of deſpotiſm, are ſuch, that from the knowledge I have of the people whom he goes to govern, I am convinced his reign will be to the full as unpopular and temporary as his predeceſſor's of immortal memory was; Mr. ———'s firſt appearance in England (for he is by birth a Weſt-Indian) was juſt upon the eve of the late general election; by wading through a ſea of corruption and diſtreſſing his eſtate (no very large one) he procured himſelf to be returned for ———; ſoon after the meeting of the preſent p——t, Mr. ——— rendered himſelf very conſpicuous and courtly, by appearing not quite ſatisfied that Mr. Wilkes had only loſt his ſeat for Middleſex, he was alſo for bringing in a bill of pains and penalties to expel him the kingdom; this opened the eyes of the miniſter and he judged him a proper implement or tool to be uſed or laid aſide at his will and pleaſure; accordingly we find him in the ſucceeding ſeſſion the perſon pitched upon to move the addreſs and echo back the miniſter's ſpeech; and as he had taken a determination not to do his maſter's work by halves, he was pleaſed in his motion to call the miniſtry a ſet of ſpotleſs gentlemen. I know, Mr. Editor, you will ſmile at the idea of ſpotleſs being joined to the names of Grafton and Rigby; but as I told you before, fair truth ſhall ever guide my gooſe-quill: for this laſt ſpeech Mr. ——— was complimented with the government of the Leeward Iſlands, his ſhoulder decorated with a bluſhing ribband of the military order of the Bath, to the diſlike of many of our ancient families, who thought they had a fairer claim to it than an upſtart Weſt-Indian of yeſterday; thus you ſee how nobly he was rewarded for his dirty work; it has

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of late become the fashion for every aspiring West-Indian to endeavour at getting into p———t, and when there, they all run at same goal, they are as mad for the government of the Leeward Islands as Sancho was for that of Barataria when he attended the fortunes of the Don; this the ministry have had address enough to find out, so that every West-Indian comes into p———t with a clog about his leg; Mr. ——— had no sooner left Portsmouth than his office, in case of vacancy, was promised to Mr. ———, — ———, no sooner makes his courtly bow at St. James' than this dear place is promised to one of the present members for ———! ———, a man of obscure birth and still more obscure connections, but as he was just called to parliament and having been suspected to be a Wilkite it was necessary to divert him with this promise as you would a child with a rattle and bells. The Romans seldom or never sent a native to the government of a colony, this policy was worthy of that noble people, the reasons which operate against such an appointment are obvious; I do believe Mr. ——— might have succeeded better, though not altogether, had he not been a native of Christopher's; upon his arrival the people had immediately a retrospective eye to his ancestry, which they traced to about two generations back, and there found him originating from an illiterate Negroe driver; I do not mention this as conveying any abuse to Mr. ———, it is well known, and I am sure he has candour enough not to deny it; the people brought their ideas then nearer still to him and in the person of his father found a poor miserable illiterate old man dying for want in the midst of a good estate; these reflections occasioned the multitude to exclaim, 'Shall this man govern us? we are at least his equals, if not his superiors;' and it was these reflections that first occasioned him to be treated with contempt, which Montesquieu says, when a king or governor has brought upon himself he has every thing to fear; to support my argument of it's being impolitic to send a native to govern a colony, I will now proceed to examine what prospect — ——— can have of a peaceable administration; in the male line he springs from the same family with Mr. ———, so that if you go back two generations you come to his origin, his father Mr. ——— —— was always esteemed a proud, arbitrary, insolent man, cursed with a deserved unpopularity and which he even carried to execration by his having at the very time of his being Chief Justice of the courts of King's Bench and Common Pleas, incestuously married the sister of his second wife; and I am sure the peo-

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ple will viſit the ſins of the father upon the preſent governor and to the third and fourth generation; in regard to Mr. ———, who now looks forward to the promiſed land; he alſo is a Weſt-Indian; but of ſo vulgar and mean an extraction that it is not worth the trouble of enquiring who or what he is; let it ſuffice to ſay the Weſt-Indians know him and his origin well, that he lived in open fornication in St. Chriſtopher's, and in as open adultery in England, having married the daughter of a gentleman in H—— S—— of conſiderable fortune and made her compleatly miſerable. I am well aware that it will be ſaid by my readers, That the author of theſe letters is ſome jealous diſcontented man who would be glad to get the government for himſelf; to obviate this objection to my candour, know Mr. Editor, that I am by birth a Weſt-Indian, and that any application of mine for, or appointment to this office, would immediately fly in the face of my general argument, viz. that a native of a colony ſhould be ſent to govern in the place of his nativity; theſe letters have not not proceeded from a ſcurrilous diſpoſition to abuſe or expoſe any man, but from a natural love which I bear the Weſt-Indians and the Weſt-India iſlands, and from a powerful deſire I have to ſee internal peace take place in the once happy iſland of St. Chriſtopher's; which never will be the caſe until an European is deputed by his Majeſty; let him be Engliſh, Scotch, or Iriſh, let him be but poſſeſſed of the arts of government, let him but conceal the meanneſs of his anceſtry, I will join in throwing a ſhade over the juvenile part of his life. This will ſecure him from contempt. He will find a generous noble people and I ſhall from the very bottom of my heart wiſh him ſucceſs.

Hill Street, February 11. X.

Seaſonable REFLECTIONS *on Mr.* SAWBRIDGE's Motion, *againſt the holding of* long PARLIAMENTS.

THERE is nothing the people of England in general have always ſhewn ſo great a diſlike to as the holding of long parliaments. This diſlike may be ſaid to be truly inherent to their notions of liberty, and juſtly founded on reaſon and experience. Long parliaments in former reigns have proved the unhappy cauſe of great calamities to this nation, and have at all times been declared, an innovation upon our conſtitution. In the 4th of Edward III. an act paſſed for holding them once a year, or oftener, if there ſhould be occaſion. In the 36th year of the ſame reign, that ſtatute was con-

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firmed. In that parliament Magna Charta and Charta de Foreſta were confirmed, and ſeveral new privileges granted to the ſubject. Then comes the clauſe relating to parliaments, which ſufficiently ſhews the intention and original inſtitution of them, was for the redreſs of grievances: for the bill enacts, "That for the maintenance of the ſaid articles and ſtatutes (that is the privileges beforementioned,) and for redreſs of divers miſchiefs and grievances which daily happen, a new parliament ſhall be held once every year."

In the early days when this prudent care was taken for the frequent meeting of parliaments, the crown was poſſeſſed of revenues, which made applications to the people for money, unleſs on extraordinary emergencies, unneceſſary. It therefore plainly appears, "That redreſs of grievances, making ſalutary laws for the good of the community, and preſerving the liberties of the people, by ſupporting a due balance between the power of the crown and the rights of the ſubject, were the main ends of calling parliaments." The power of calling them being the undoubted prerogative of the crown, it became neceſſary, for the ſafety of the ſubject, to oblige the crown to call them frequently. A caution of this kind is no longer neceſſary, nor can it ever be, ſo long as we preſerve to ourſelves the power of granting money; the crown revenues being ſunk, or wantonly granted away, the annual call for a ſupply muſt neceſſarily produce an annual meeting of parliament. But the grievance now complained of, is of a very different nature. It is not founded on diſcontinuance of parliaments, but on a too long and dangerous continuance of one and the ſame parliament; a practice unheard of in former times, when prorogations were not known: for when a parliament was annually called for the redreſs of grievances, as ſoon as the buſineſs of the ſeſſion was over it was diſſolved, and a new one called the next year for the ſame purpoſe; by which means the country had a proper check upon their repreſentatives, and thoſe who had appeared to be too much under the influence of the crown, thoſe who were too much attached to the miniſter, had leſs opportunity of injuring their country; the people had it more frequently in their power to ſhew a proper reſentment, and remedy the evil, by ſending others the next year in their places.

Thus parliaments were generally annual, but never continued longer than three years, till the remarkable reign of Henry VIII. he was a prince of unruly appetites, and of an arbitrary will. He was impatient of every reſtraint; the laws of God and man fell equally a ſacrifice, as they ſtood in the way

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way of his avarice, or disappointed his ambition. He therefore introduced long parliaments, because he very well knew, that they would become the proper instruments of both; and what a slavish obedience they paid to all his measures is sufficiently known.

If we come to the reign of King Charles I. we must acknowledge him to be a prince of a contrary temper; he had certainly an innate love for religion and virtue, and of consequence for the liberty of his country. But here lay the misfortune.—He was led from his natural disposition by sycophants and flatterers. They advised him to neglect the calling of frequent new parliaments, and therefore by not taking the constant sense of his people in what he did, he was worked up into so high a notion of prerogative, that the commons, in order to restrain it, obtained that independent fatal power, which at last unhappily brought him to his most tragical end, and at the same time subverted the whole constitution. This lesson, it is to be hoped, will be learned from it some time or other, never to compliment the crown with any new or extravagant powers, nor deny the people those rights, which by ancient usage they are entitled to; but to reserve the just and equal balance, from which they will both derive mutual security, and which, if duly observed, will render our constitution the envy and admiration of all the world.

King Charles II. naturally took a surfeit to parliaments from what had happened to his father, and was therefore extremely desirous to lay them aside. But this was a scheme impractable. However, in some measure he did so; for he obtained a parliament, which, by its long duration, like an army of veterans, because so exactly disciplined to his own measures, that they knew no other command but from that person who gave them their pay. This was a safe and ingenious way of enslaving a nation.—It was very well known, that arbitrary power, if it was open and avowed, would never prevail here. The people were therefore amused with the specious form of their ancient constitution; it existed, indeed, in their fancy; but like a mere phantom, had no substance nor reality in it; for the power, the authority, the dignity of parliaments were wholly lost.—This was that remarkable parliament, which so justly obtained the opprobrious name of the 'pensioned parliament;' and was the model from which some later parliaments have been exactly copied.

At the time of the Revolution, the people made a fresh claim of their ancient privileges; and as they had so lately experienced the misfortune of long and servile parliaments,

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it was then declared, 'That they ſhould be held frequently.' But, it ſeems, their full meaning was not underſtood by this declaration; and therefore, as in every new ſettlement, the intention of all parties ſhould be ſpecifically manifeſted, the parliament never ceaſed ſtruggling with the crown, till the triennial law was obtained.

Some have ſince alledged in the view of favouring ſeptennial parliaments, that the triennial bill was introduced by the enemies to the Revolution, 'Tis true, it was not introduced by the courtiers at that time: We ſeldom ſee ſuch bills introduced by ſuch gentlemen; but does not every one know, that it was my lord Somers who was the chief promoter of that bill, and that moſt of thoſe who ſupported him in it, were gentlemen who had been deeply concerned in bringing about the revolution? The courtiers, indeed, oppoſed it, and even King William himſelf, by the advice of ſome wicked miniſters, refuſed to paſs it the firſt time it was offered; but when it came back again to him, he was better adviſed; and if he had not paſſed it, he had not done what he ought to do, he had not done all he came to do, nor that which, when he came, he promiſed to do, which was to reſtore the people to the full enjoyment of all their rights and privileges.

The foundation for enacting the ſeptennial bill, appears, it is ſaid, from the preamble to it, "That triennal parliaments have proved more grievous, burthenſome, and expenſive, than they were ever known before that law paſſed." Let us conſider the cauſe.——It is the lengthening of the term that occaſions the expence; and the multiplicity of places enjoyed by the members, may be likewiſe juſtly aſſigned as another cauſe. Would not a man give more for an annuity of three years, than for a grant determinable at the end of one; and by the ſame parity of reaſoning, muſt not ſeptennial parliaments prove more grievous, burthenſome, and expenſive than triennial, at leaſt in ſuch a degree, as an annuity for ſeven years deſerves a better conſideration than one for three.

There is another reaſon, upon which the ſeptennial act was grounded, and this was a ſuſpicion, that deſigns were carrying on to renew the rebellion, and an invaſion from abroad. This was undoubtedly the only juſtifiable pretence for enacting it into a law; and it might poſſibly have induced ſome gentlemen of very great honour and integrity, to give their votes for the bill at that juncture, for thoſe who voted for it from that view, could never intend it ſhould be

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made perpetual, or that it ſhould continue longer than that misfortune ſubſiſted.——People, in their fears, have very often recourſe to deſperate expedients, which, if not cancelled in ſeaſon, will themſelves prove fatal to that conſtitution, which they were meant to ſecure.——Such is the nature of the ſeptennial law; it was intended only as a preſervative againſt a temporary inconvenience; the inconvenience is removed, but the miſchievous effects ſtill continue; for it not only altered the conſtitution of parliaments, but extended that ſame parliament beyond its natural duration; and therefore carries this moſt unjuſt implication with it, 'That you may at any time uſurp the moſt indubitable, the moſt eſſential privilege of the people, I mean that of chuſing their own repreſentatives.——A precedent of ſuch a dangerous conſequence, of ſo fatal a tendency, that it muſt be a reproach to our ſtatute book, if that law was any longer to ſubſiſt, which might record it to poſterity.

Far from remaining degenerate, let there be at length a ſeaſon of virtue and public ſpirit among us, and let us take advantage of it, to repeal thoſe laws which infringe on our liberties, and introduce ſuch as may reſtore the vigour of our antient conſtitution.

Human nature is ſo very corrupt, that all obligations loſe their force, unleſs they are frequently renewed. Long parliaments become therefore independent of the people, and when they do, there always happens a moſt dangerous dependence elſewhere. If the people had more frequent opportunities of varying the choice of their repreſentatives, they might diſmiſs ſuch as have unfaithfully withdrawn their attention from them.

The influencing powers of the crown are daily increaſing, and it is highly requiſite that parliaments ſhould be frequently reſponſible to their conſtituents, and ſhould be kept under the conſtant awe of acting contrary to their intereſts. Modern hiſtory, I believe, will inform us, that ſome very dangerous attempts have been made on our liberties.

The proviſion made againſt ſuch whoſe places vacate their ſeats in parliaments hangs on ſuch ſlender things, that it is nothing better than a mere cob-web, whilſt at the ſame time there is no guarding againſt penſioners, place-holders, jobbers, contractors, and the like, of the more ſecret kind; neither can the people have other remedy to rid the nation of them but a new election, and that frequently practiſed.

A farther miſchief of long parliaments is, that a miniſter has time and opportunities of getting acquaintance with members,

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bers, of tampering with them, and of practiſing his ſeveral arts to win them into his ſchemes. This cannot be ſo commodiouſly effected in a Parliament of ſhort duration; it muſt be a work of time: for corruption is of ſo baſe a nature, that at firſt ſight it is extremely ſhocking. Hardly any one has ſubmitted to it all at once. His diſpoſition muſt be previouſly underſtood; the particular bait muſt be found out with which he is to be allured, and after all, it is not without many ſtruggles that he ſurrenders his virtue. Indeed, there are ſome, who all at once plunge themſelves over head and ears into any baſe action, but the generality of mankind are of a more cautious nature, and will proceed only by leiſurely degrees. One or two perhaps have deſerted their colours the firſt campaign, ſome have done it a ſecond; but a great many, who have not that eager diſpoſition to vice, will wait till a third.

For this reaſon, ſhort parliaments have been leſs corrupt than long ones; they are obſerved, like ſtreams of water, always to collect more impurities according to the diſtance they run from the fountain head. Add to this, that frequent new parliaments will be the only proper remedy againſt the evil of bribery at elections. This evil could not ariſe from country gentlemen, the means for whoſe election is natural and plauſible without it. It muſt therefore be the invention of wicked and corrupt miniſters, who have, from time to time, led weak princes into ſuch deſtructive meaſures, that they did not dare to rely upon the natural repreſentation of the people. Hence, long parliaments have been deemed worth purchaſing at any rate, and conſequently they firſt introduced bribery. Country gentlemen, who have only their private fortunes to rely upon, and have no mercenary ends to ſerve, are unable to bear up againſt the torrent, eſpecially if at any time the public treaſure ſhall be unfaithfully ſquandered away for the purpoſes of corruption. Country gentlemen, indeed, may make ſome weak efforts, but as they generally prove unſucceſsful, and the time of a freſh ſtruggle is at ſo great a diſtance, they at laſt grow faint in the diſpute, give up their country for loſt, and retire in deſpair. ——Deſpair naturally produces indolence, and that is the proper diſpoſition for ſlavery. Miniſters of ſtate underſtand this very well, and are therefore unwilling to awake the nation out of its lethargy, by frequent elections. They know that the ſpirit of liberty, like every other virtue of the mind, is to be kept alive by conſtant action, and that it is impoſſible to enſlave this nation, while it is perpetually upon its guard.

If then country gentlemen, by having frequent opportunities of exerting themſelves in frequent elections, were kept warm and active in ſuch laudable contentions for the public good, it would raiſe that zeal and indignation, which at length muſt get the better of thoſe undue influences, by which the officers of the crown have been able to ſupplant country gentlemen of great characters and fortune. This is the real ſore that has been long eating into the moſt vital part of our conſtitution, and which nothing but ſhort parliaments can probe to the bottom. Otherwiſe, a miniſter muſt conſtantly entertain a corrupt familiarity with our borroughs; and he need only ſend down his treaſury-mandates to procure a ſpurious repreſentative of the people, the offspring of his corruption, who will at all times be ready to reconcile and juſtify the moſt contradictory meaſures of his adminiſtration, and even to vote every crude indigeſted dream of his bewildered fancy into a law.

It may now appear evident, that the increaſe of bribery and corruption is as natural a conſequence of ſeptennial parliaments, as any one thing can be conceived to be the conſequence of another. There is no way for effectually preventing corruption, but by putting it out of the power of any man to corrupt. There is no corrupting any man but by coming up to his price; therefore, the only way of putting it out of the power of any man to corrupt, is to put it out of the power of any man to come up to the price of any number of electors; and this can only be done by making our elections frequent: The more frequent the better. It is certain, a gentleman, who enjoys a good place or penſion for ſeven years, is more able to give a high price than if he had enjoyed that place or penſion but for one year, or even for three; and he will more willingly give a high price, when he is thereby to purchaſe the continuance of that penſion or place for ſeven years, than when he is to purchaſe it only for one or for three years. This is ſo evident, that it cannot bear being controverted.

The power of the crown is very juſtly apprehended to be growing to a too great, if not monſtrous ſize, and it is highly neceſſary that ſome method ſhould be propoſed for reſtraining it within its proper bounds. Whilſt then our diſeaſe is of ſo complicated a nature, every well-wiſher to his country muſt think that Mr. Sawbridge's motion is wiſely calculated to remove the firſt and principal diſorder, by giving the people their ancient right of frequent new elections

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tions, which will reſtore the decayed authority of parliaments, and will put our conſtitution into a natural condition of working out her own cure.

On the Deſtructive Conſequences of Avarice, to the well-being of Society.

Avarus ipſe miſeriæ cauſa eſt ſuæ. PUBL. SYRI *ſententiæ.*

AVARICE may be conſidered in two different points of view, either as it coincides with the character of Cataline in Saluſt, *alieni appetens, ſui profuſus*; 'coveting the property of others, and laviſh of his own;' or confined to the endleſs deſire of accumulating wealth. The latter notion is peculiar to what is commonly denominated avarice, and in a more extenſive ſenſe may be properly defined "A paſſion of the mind wholly intent upon the means of acquiring more and more, and ſcarce ever embezzling, through fear of want, any part of what is acquired."——The depraved and unaccountable deſire of mankind, eſpecially in the light of an illicit acquiſition or detention, has been always accompanied by the deteſtation of God and man. Holy writ furniſhes us with a multiplicity of exemplary puniſhments inflicted on delinquents in this reſpect: and the precepts of moraliſts, the invectives and ridicule of ſatire, have been employed in expoſing to ſuch a degree the vice, that ſcarce any thing new remains to be ſaid on the ſubject, unleſs it be from its extravagances and oddities, of which frequent inſtances occur in moſt parts of the world.

Avarice, under the influence of prodigality, laviſhes continually what is acquired, and continually thirſts after more. As it influences different ways the different degrees and ſtations of life, it will admit of being viewed according to the diverſity of the deformed faces it preſents. Theſe are obvious to any attentive perſon, and the miſchiefs occaſioned by them to ſociety, are ſo much the more dangerous, as often conducted by occult methods; or if glaring, far from being ſometimes cenſured, they are extolled and dignified by the ſpecious titles of honour and generoſity in the mouths of a crowd of depending admirers and ſycophants. In general, this ſort of avarice is very dangerous in a ſtate, becauſe it ſeconds admirably well the ſchemes of ambition, which ſordid avarice, by being contracted within, and circumſcribed by the ſphere of timid notions, cannot, nor even dares to attempt. Certain it is, that the ſame heart,

as in ſome meaſure equally enamoured of both, may be capable of admitting both; but in fact it is not able to cultivate them: For, where the love of hoarding wealth preponderates, it may be judged that no great matter need be apprehended from ambition, this inordinate love of wealth being a conſtant check upon it. Avarice, however, is perhaps the ſame paſſion with ambition, and is only placed in more ignoble and daſtardly minds, by which the object is changed from power to money; or it may be, that one man purſues power in order to wealth, and another wealth in order to power; which laſt, is the ſafer way, though longer about, and by ſuiting with every period as well as condition of life, is more generally followed.

But it ſeems that a vice which keeps ſo firm a hold upon human nature, and governs it with ſo unlimited a diſpotiſm, ſince it cannot be intirely eradicated, ought at leaſt to be reſtrained to the particular objects of thrift and penury, of private fraud and extortion, and by being never ſuffered to prey upon the public, ought univerſally to be rejected as the moſt unqualifying circumſtance for any employment, where bribery and corruption can poſſibly enter. Cicero, with good reaſon in his ſecond book of offices, ſays, that "no vice appears with a more deformed aſpect than avarice, eſpecially in thoſe who are entruſted with the adminiſtration of the commonwealth; for to make a gain of the commonwealth, is not only baſe, but even wicked and abominable." Few, now at the helm of affairs, or in lower ſtations, are found to think and act with the integrity of this pagan. They ſeem for the generality to acknowledge, that two things only are deſerving of the ſtudy of a wiſe and prudent man, the care of getting, and that of hoarding. To them honour is but a bubble, and the fond chimera of young fools. Nature has worked up in their hearts the genuine principle of intereſt, which they have been ſtrenuous in improving by application, and fortifying by experience. Avarice has requited their pains with ſignal advantages, though at the ſame time they can ſtoop to the meaneſt profits. They diſcover a hundred different ways of getting, which they gladly repute ſo many different rewards of their induſtry. They always prefer the profitable before the honeſt, preſuming, that to adhere to the profitable, is to follow the intention of nature, which by a ſacred inſtinct inſpires them to refer all to themſelves. So long as they have money in their coffers, they are certain, that friends and humble ſervants will never be wanting to them. One thing is of ſingular

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uſe to them, which they are always careful to practiſe, and this is, to promiſe eternally after the manner of courtiers, and very rarely to perform, being conſcious to themſelves that it is the nature of man to endeavour to deſerve what he hopes for, while he is ſcarce ſatisfied with a donation, deeming it either compenſation for his pains, or an effect of his induſtry. They ſometimes affect to appear diſintereſted out of a ſecret deſign of intereſt; they ſometimes alſo find it convenient to ſignalize themſelves by public actions of a ſeeming generoſity, though in the main it is all but artifice. Undoubtedly they hereby think to deface the remembrance of what is paſt: the noiſe of ſo fine an action muſt oblige the world to continue in the good opinion of their generoſity, whilſt they on their ſide can pride themſelves in enjoying the fawning adulation of ſupple ſlaves, together with the approbation of ill judges.

The world, 'tis true, may be deceived for a time by ſuch an impoſing outſide, and ſome may queſtion the reality of the portrait, preſuming that ſuch an illuſtrious miſer could never exiſt in nature; but what will it be when the deceit is unveiled? If not before death, will the infamy be obliterated beyond the grave? no:—it will ſpread and be diffuſed; and all, not defiled by the contagion after an exact reflection upon life, will acknowledge, that but two things can make and keep it happy: "To moderate deſires, and make a good uſe of the gifts of fortune."

Greatneſs of ſoul cannot be conſiſtent with the ſordid baſeneſs of avarice; for what can be more unjuſt, than to heap up that which affords the conveniencies of life, and to make no uſe of it, or turn it to an ill uſe by making it ſubſervient to private intereſt, and the inſtrument of foul corruption? Again, What can be more unjuſt than to rob the public by a continued theft?—But ſtate-thieves and ſtate-robbers are honourable by profeſſion; their perſons are ſacred; no human calamities muſt afflict them; whilſt thoſe, who take away with violence in order to diſperſe with profuſion, are highly culpable and ignominious, though in fact more excuſable, their prodigality being, as it were, a kind of public reſtitution.

To give ſeaſonably and to refuſe with reaſon, would be more to the benefit of the indigent, and more to the advantage of the poſſeſſor of wealth. There is no merit in being able to over-reach or circumvent your brother in his dependance on you. Every day may bring the covetous man riches, but does not every day retrench his uſe of them? His wealth increaſes, and his ſenſes which ſhould enjoy it, decay. What is he the better for all theſe foreign advantages? What benefits does

does he reap from his genius of intereſt? He ſpends his life amidſt heaps of ſuperfluous pelf, while covetouſneſs will not allow him the diſpoſal, and nature deprives him of the enjoyment. His condition is ſurely wretched, both as to himſelf and others, becauſe it muſt perſecute him with inquietudes at home, and envy aboad.

Upon the whole, moraliſts ſeem unanimouſly to agree in opinion, that avarice is the great, the firſt and moſt general paſſions of mankind, the paſſion that attracts and wins hearts, or rather the potent vice that conquers the world. It is avarice that foments and gives perpetual growth to all the mad affairs that are agitated among mankind, and there is not one vicious pleaſure in nature, but it may be ſaid to be its moving ſpring, its incentive, and ſtrongeſt ingredient.

ANECDOTE.

THE petition againſt ſubſcribing to the thirty-nine articles, puts me in mind of the late Mr. Whiſton, who, though a man of ſenſe and learning, a prolific writer, and a good mathematician, was ſo weak as to entertain the thought of having it in his power to reform the eſtabliſhed church. This madneſs, as I may ſo call it, was of ſingular prejudice to him. He ſacrificed all his livings in the church and emoluments in the univerſity to the chimerical project of re-eſtabliſhing the primitive Chriſtianity, by endeavouring to introduce the apoſtolical conſtitutions on the ſame footing they were in the two firſt ages in the chriſtian æra. Beſides ſtriving to improve on the Arian hereſy, he was exceeding fond of explaining the prophecies of the Old and New Teſtament. He hazarded the foretelling the preciſe time of the beginning of the milennium, when there was to be a community of goods, and the Jews were to be converted. After carefully calculating this period, he had the misfortune to ſurvive his prediction. He reviſed his calculations, corrected his error, and again ſurvived them. At length, after a new courſe of ſtudy, he fixed the time for the year 1766, which he was ſure he ſhould not ſee. On this occaſion the following anecdote is related of him.—He was for ſelling a ſmall eſtate, and for that purpoſe made application to a perſon, who was not ignorant how bigotted he was to his prediction. He aſked thirty years purchaſe, at which the others affected the greateſt aſtoniſhment. Whiſton wanting to know the reaſon of his ſurprize, as he had aſked no more than what was uſual: "I do not wonder at others making ſuch a demand, anſwered he, for they

they know not better; but you, Mr. Whiſton, you know before the half of that term is expired, all people will live in common, and each man's property will not be worth ſixpence."—Whiſton after a few minutes pauſe, embraced the purchaſer, and made over to him the eſtate for what he choſe to give for it.

Political Hypotheſis, *concerning a* Caſe, *which, though it has not yet happened, may poſſibly happen.*

LET us ſuppoſe a man abandoned to all notions of real virtue or honour; of no great, or of noble family; of a mean, or of opulent fortune; adopted in quality of a prince's favourite by the arts of ſervile adulation, or raiſed to be the chief miniſter of ſtate, by the concurrence of many whimſical events; afraid or unwilling to truſt any but creatures of his own making, and moſt of them equally abandoned to all notions of integrity or honour; ignorant or regardleſs of the true intereſt of his country, and ſtudying nothing but the means of enriching and aggrandizing himſelf, his aſſociates, and partizans; in foreign affairs, truſting none but ſuch whoſe education makes it impoſſible for them to have ſuch knowledge or ſuch qualifications, as can either be of ſervice to their country, or give any weight or credit to their negociations. Let us ſuppoſe the true intereſt of the nation, by ſuch means, neglected, ſlighted, or miſunderſtood, her honour and credit loſt, or expoſed to humiliations and indignities, her trade inſulted, and her ſeamen unjuſtly detained, by foreigners, in priſon; and all theſe things overlooked, only for fear his favouritiſm or adminiſtration ſhould be endangered. Suppoſe him, next, poſſeſſed of great wealth, accumulated by ſiniſter arts, and for the moſt part the plunder of the nation, with a council or ſenate, the majority of his own chuſing, and moſt of their votes purchaſed at the expence of the public treaſure: In ſuch a council, or ſenate, let us ſuppoſe attempts made to inquire into his conduct, or to relieve the nation from the diſtreſs he has brought upon it; and when lights proper for attaining thoſe ends are called for, not perhaps for the information of the particular perſons who call for them, but becauſe nothing can be done in a legal way, till theſe things be in a proper way laid before the ſenate; ſuppoſe theſe lights refuſe, theſe reaſonable requeſts rejected by a corrupt majority of his creatures, whom he retains in daily pay, or engages in his particular intereſt, by granting them thoſe poſts and places, which ought never to be given to any

but for the good of the public: upon this ſcandalous victory, let us ſuppoſe this favourite, or this chief miniſter pluming himſelf in defiances, becauſe he finds he has got a ſenate at his devotion, ready to acquit him at all adventures: Let us farther ſuppoſe him arrived to that degree of inſolence and arrogance, as to domineer over all the men of ancient families, all the men of ſenſe, figure, or fortune in the nation; and as he has no virtue of his own, ridiculing it in others, and endeavouring to deſtroy or corrupt it in all.

With ſuch a favourite or miniſter, and ſuch a ſenate, let us ſuppoſe a prince upon the throne, either for want of true information, or for ſome other reaſon, ignorant and unacquainted with the inclinations and the intereſt of his people, weak, and hurried away by the ſuggeſtions of arbitrary power and inſatiable avarice.—This caſe has never yet happened to this nation; but as it is poſſible it may, could there be a greater curſe happen, than ſuch a prince on the throne, adviſed, and ſolely adviſed by ſuch a favourite or miniſter, and his creatures, and that favourite or miniſter, ſupported by ſuch a ſenate.

ANECDOTE.

THE difference that aroſe between Queen Mary of England and the Princeſs of Denmark, laſted till the death of the former. During this time all the ladies of the court, and the principal lords were forbid to pay their reſpects to the princeſs. She was deprived of her guards, and every opportunity was taken to mortify her in the moſt ſignal manner. When the Queen died, King William perceived it would be indecent for him to remain longer at variance with the preſumtive heir of the crown, and accordingly himſelf made the firſt advances for a reconciliation, which were accepted. Immediately after the whole court appeared very aſſiduous in their devoirs to her. Lord Caernarvon, who had never diſcontinued his reſpectful viſits to the princeſs, whoſe appartment had been ſo long deſerted, obſerving it one evening full of company, ſaid to her quite loud in preſence of the aſſembly. "I hope your Royal Highneſs will remember, that I have often had the honour to be here alone with you." Theſe words ſpread confuſion and bluſhes on every face preſent.

Character

Character *of* Titus Veſpaſian, *the Eleventh Roman Emperor, and Cæſar, propoſed as a Model to all Princes.*

TITUS VESPASIAN was endued with all the qualities, which could be deſired in a Prince deſtined for a throne: generoſity, mildneſs, affability, and a popular way of behaviour, which, without deſcending from his dignity inſpired confidence; and made him, at the ſame time, beloved and reſpected. Eloquence, poetry, and the philoſophy then in vogue, conſiſting chiefly of an acquaintance with the moral obligations of life, were the occupations of his youth. Hiſtorians highly commend many poems, which he compoſed in Greek and Latin. He underſtood the military art extremely well; and though he was active, vigilant, robuſt, and courageous he had nothing of that hard-heartedneſs or ferocity, ſo often contracted by continually ſeeing blood ſhed. He made his firſt campaigns in Germany, and accompanied his father, in quality of his lieutenant, in the war againſt the Jews. Veſpaſian having been elected Emperor, Titus was employed to continue his war, which he ended by the deſtruction of Jeruſalem. On his return to Rome, he triumphed with his father, who admitted him into the principal functions of government, and declared him by his will ſole heir of the empire.

Titus being informed that the Romans murmured at his attachment to Berenice, the daughter of the great Agrippa, he ſent her away from Rome, notwithſtanding their mutual affection. He then gave his whole attention to the making of his people happy. He was liberal, acceſſible, and held it for a maxim, that no perſon ought to go away ſad from the preſence of his prince; and one night recollecting that he had done nothing that day in the way of beneficence, he ſaid to thoſe at table with him, "My friends, I have loſt this day!" He was not rigorous againſt any but informers, whom he puniſhed with ſeverity, to ſecure the repoſe of families. The ſeveral misfortunes which afflicted Italy during his reign, made his tenderneſs, and his attention to comfort his people to ſhine forth more conſpicuouſly. The eruption of Mount Veſuvius ruined a great part of Campania, a fire at Rome laſted three days and three nights; and this accident was followed by the moſt dreadful plague that Rome had ever felt. Titus had recourſe to all remedies, divine and human, and afforded the people all the relief he was able. He enjoyed that ſatisfaction which accompanies the conſtant practice of virtue. He fell ill in the country of the Sabines, where he died after a reign of little more than two years, in the 43d

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of his age, and 81ſt of Jeſus Chriſt. He was bitterly lamented by ſtrangers, as well as the Romans, who gave him the title of "Deliciæ humani generis," 'the delight of mankind,' and conſecrated temples, and offered ſacrifices to his memory.

He uſed to ſay, "That it was a great error to think that it is enough for princes to have a ſuperficial tincture of learning; for being eſtabliſhed by God for the government of their people, they are obliged to learn perfectly every thing that is neceſſary for that end, that they may be capable of judging of things by their own knowledge, and not depend on the information of others; that it is better to be altogether ignorant, than half learned, becauſe ignorance makes one diſtruſt himſelf, and take counſel of others; whereas an imperfect and ſuperficial knowledge fills a man with vain preſumption, which is the cauſe, that imagining that he knows what he is ignorant of, he is perpetually falling into miſtakes."

He uſed alſo to ſay, "That men in elevated ſtations of life, ought to hazard their poſſeſſions, their fortune, their places, and whatever was deareſt to them, rather than be guilty or participate of the leaſt injuſtice; rather than omit the leaſt part of their duty; rather than be ſilent when they are obliged to ſpeak, rather than ſpeak, when they are obliged to be ſilent; rather than act, when they are obliged not to act, and rather than not to act, when there is an obligation to act."

Some ſeaſonable Reflections on State Penſioners, *and the Legality of the* Iriſh Penſions.

IF we look back to what is recorded in the hiſtory of England towards the latter part of the reign of king Charles II. we ſhall find that the houſe of Commons being ſenſible how narrowly this nation had eſcaped being ruined by a ſort of monſters called penſioners, which ſat in the long Parliament, had entered into a conſideration how to prevent the like from coming into future parliaments; and in order thereto reſolved, that they would ſeverely chaſtiſe ſome of thoſe that had been guilty, and make the beſt laws they could to prevent the like for the future: And for that purpoſe a committee was appointed, of which Mr. Serjeant Gregory, afterwards judge Gregory, was chairman; by which many papers relating to that affair came into his hands.

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We cannot date from hence the æra of political corruption; we find ſtrong ſymptoms of it ſo far back as the reign of Richard II. when the mode of packing parliaments was introduced. Who ſhould think, that ſoon after the revolution, when a line was drawn between the prerogatives of the king, and the liberties of the people, when our conſtitution ſeemed to have acquired full conſiſtence, vigour and ſtability, that the very men, who laboured to perfect this glorious work, could procure the nation to be delivered over to plunder to them? And who ſhould think, that a Walpole could imagine that a family adopted to ſupport that conſtitution, wanted, for their own ſupport on the throne, to pack and debauch a parliament by places, penſions, and all the ſervile arts of venality and corruption? The bare-faced practice is now arrived to a pitch, in the higheſt degree equally ſhameful and deteſtable; and it is ſo pernicious in its conſequences to the well-being of the ſtate, that it ought never to be palliated, much leſs forgotten, or the proſecution of it deferred.

It has been often ſaid, that England can never be deſtroyed but by itſelf. To have placemen and penſioners in parliament, was the moſt likely way that ever was yet invented. Some of our great lawyers, when this matter was debated towards the cloſe of king Charles IId's long parliament, were of opinion that it was treaſon, and they gave many learned arguments to make it out. Whether ſo or not, may now be unneceſſary for diſcuſſion, but it may be thought that the legiſlators of the nation for taking bribes, and ſo undermining the laws and government of this nation, ought to be chaſtiſed as traitors.

It has been commonly obſerved of all penſioners and placemen in parliament, that they vote of a ſide as directed by ſome great officer, and as exactly as if their buſineſs in the houſe had been to preſerve their penſions and offices, and not to make laws for the good of them that ſent them there. How ſuch perſons can any way be uſeful for the ſupport of government, by preſerving a fair underſtanding between the king and his people, but on the contrary how dangerous to bring in arbitrary power, is left to every man's judgment. So far are they from being the true repreſentatives of the people, that they are a diſtinct middle intereſt between the king and the people; and their chief buſineſs is to ſerve the end of ſome miniſter, whether occult or oſtenſible, though never ſo oppoſite to the true intereſt of the nation. Reproaches and invectives againſt a conduct of this kind, ought never to fall, and it is the intereſt of the nation it ſhould be proſecuted

from parliament to parliament, as if there was an impeachment againſt all penſioners and placemen in parliament, till at length the houſe ſhould come to a reſolution, as it was reſolved under king Charles II. "That no member of this houſe ſhall accept of any office or place of profit from the crown, without the leave of this houſe, nor any promiſe of any ſuch fice or place of profit, during ſuch time as he ſhall continue a member of this houſe."

Theſe reflections naturally lead us to conſider what was lately agitated in the Iriſh parliament on the ſubject of penſions, by a reſolution of not providing for that of Jeremiah Dyſon, Eſq; Mr. M'Aulay, one of his Majeſty's counſel at law for the kingdom of Ireland, has ſtated the matter of Iriſh penſions, by an inquiry into their legality, printed in 1763. Having acquainted us, that a very conſiderable part of that heavy load of penſions had been impoſed in April and May of the year 1763, and that an unlimitted power of granting penſions on that eſtabliſhment to the full amount of the Iriſh hereditary revenue, was claimed by miniſters on behalf of the crown, he thereupon remarks, that if this claim be juſt, Ireland's exiſtence, as a country of liberty and property, muſt be at an end. That this claim is not juſt, he thus ſhews:

The amount, ſays he, of the civil penſions on the Iriſh eſtabliſhment continued much the ſame, without any conſiderable variation, for about twenty years before 1756, but was in ſix years after almoſt doubled. The clear income of the hereditary revenue of Ireland, at a medium of three years ending at Lady-day 1761, amounted to 411,515l. per annum. The danger to Ireland, from an unlimitted power in the crown over this revenue, is obvious. In the infancy of Iriſh trade, it amounted to ſo much, and may amount to double, perhaps treble that ſum, if Ireland lives to maturity. How far then a power to apply ſo large a fund in penſions calculated for extending miniſterial influence, might, in its conſequences, affect Great Britain; let Britons judge.

The revenue of the crown is two-fold, a public revenue, limited to public uſes, therefore unalienable; and a private revenue, not limited to any uſes; but alienable or applicable as the crown thinks fit. In the latter, the crown has a private property; the ſame abſolute unlimited property, that a private perſon has in his eſtate; but in the former the crown is a truſtee for the public, and therefore has no right to diſpoſe of it, to any other than public uſes. The old opinion of ſome ſpeculative men, that the crown is a truſtee for

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the public, of all its property, is long exploded, nor ever had it any ſolid foundation. A truſtee has a limited property; he cannot alien; and muſt diſpoſe of the profits, according to the purpoſes of the truſt; but the right of the crown to alien what it had by the common law (its ancient demeſne-lands, forfeitures for treaſon and felony, &c.) was never diſputed in a court of juſtice. 'Tis true, many grants of this kind have been ſet aſide by Acts of parliament, as being improperly obtained; but the making of theſe acts clearly ſhews, that the grants were valid in law, otherwiſe there would have been no occaſion for Acts of parliament to annul them.

Here, it may be proper to obſerve, that applying to any private uſe, in the way of penſion or otherwiſe, any part of the profits or income of a revenue, is, for ſo much, an alienation. If the crown has a right to grant, out of any revenue, a penſion to continue for a ſingle year, or determinable at pleaſure, it has a right to grant the ſame penſion in perpetuity; if the revenue be perpetual, and if it has a right to grant out of any revenue the ſmalleſt penſion in perpetuity, it has a right to grant penſions in perpetuity to the full amount of the revenue, and an equal right to ſell the inheritance of the revenue, all at once, and apply the purchaſe-money to any private uſes.

It is not pretended, that the crown has any other than a public unalienable property in the Iriſh temporary duties; nor, indeed, can there be any pretence for a claim of private property therein; it appearing by expreſs words in the preambles of ſuch of theſe temporary grants as are not appropriated to particular uſes, that they are all intended for ſupport of government. It therefore moſt evidently appears, that not only the Iriſh temporary duties, but alſo the Iriſh quit-rents and crown-rents, and the Iriſh hereditary duties which are granted by act of parliament, are all, the public, unalienable revenue of the crown, limited to public uſes.

There are but three branches of the Iriſh revenue, priſage on wines, light-houſe duties, and the caſual revenue, the crown is to be conſidered as intitled to by common law, and conſequently as having a private property therein: But it does not appear that the clear income of theſe three branches, has ever amounted, in any one year, to 15,000 l. If ſo, the private revenue of the crown in Ireland, the only revenue in its nature chargeable with penſions, has never amounted to 15,000 l. in any one year, ſince the Iriſh quit and crown-rents were added to the public revenue.

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The matter then ſtands thus.——The revenue of the crown in Ireland, which can legally be charged with penſions, does not amount to 15,000l. per annum, probably not to ſeven; and the penſions on that eſtabliſhment (excluſive of the French penſions, the military penſions, the penſions to widows of military officers, and the penſions granted under the diſguiſe of ſalaries annexed to uſeleſs offices, a miniſterial ſtratagem of the moſt dangerous tendency) amounted to 64,127l. per annum, at Lady-day 1761, and ſince they have been increaſed.

Theſe facts, ſays Mr. M'Aulay, are indiſputable; and indeed, the reaſoning ſeems grounded on eſtabliſhed principles of law and common ſenſe, and the conſequence is obvious;—not a ſingle penſion on the Iriſh eſtabliſhment warranted by law.—All clearly illegal. It is true the crown has an undoubted right to charge its private revenue with penſions of any kind, for any term, or in perpetuity, to the full amount of this revenue; but it is equally true, that the grant of any penſion not chargeable in law on the public revenue, and yet charged in fact on the revenue at large, (comprehending as well the public as the private revenue of the crown) is clearly againſt law. The crown is deceived in the grant, and therefore not bound by it.

Augmenting ſalaries annexed to public offices, whether civil or military, in proportion as money falls in value, has, at different periods of time, become requiſite for the better ſupport and maintenance of government, and the defence and preſervation of the kingdom. A reaſonable increaſe of ſalaries annexed to offices of real public uſe, is, in reality, part of the public charges and expences; but it cannot be ſaid that a penſion of any kind is to be conſidered in this light, whether granted as a generous reward for paſt ſervices done to the public, or from any other motive.

The ſenſe of the legiſlature of Ireland upon the point, clearly appears in the hearth-money act. Though this revenue, by the preamble of the act, is to be applied to public uſes, 'the public charges and expences;' yet the clauſe therein, annulling penſions, contains no exception in favour of penſions granted as rewards for public ſervices. This clearly ſhews, that the legiſlature did not conſider ſuch penſions as any part of the public charges; if they did, the act would be inconſiſtent of itſelf.

We have alſo the ſenſe of the Engliſh legiſlature to the ſame effect. The act of the 11th and 12th William III. after converting the private property of the crown, in the Iriſh

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Iriſh quit and crown-rents, into public property for public uſes, adds a clauſe, aunulling all penſions without exception, charged or to be charged thereon. Hence nothing can more evidently ſhew, that penſions of all kinds were intended by both legiſlatures to be excluded from the uſes, to which the public revenue of Ireland ſtands limited. They wiſely foreſaw how any exceptions in favour of penſions grounded on public merit might be abuſed by ſervants of the crown, and miſleaders of the people.

This may ſuffice to obviate an objection, much relied on; "That expending a competent part of the public revenue in penſions, from a principle of charity or generoſity, adds to the dignity of the crown, and is therefore uſeful to the public."—Perhaps the granting of penſions may dignify the crown, in the eſtimation of ſome people; but be that as it may, the foregoing obſervations upon the Iriſh hearth-money act and the Engliſh act of 11th and 12th William III. clearly ſhew, that charging the public revenue of Ireland with penſions, is contrary to the intention of both legiſlatures; that is, in other words, contrary to law.

Here, it is obſervable, that a certain modern ſpecies of Iriſh penſions ſtands condemned by this objection. If the granting of penſions be uſeful for maintaining the dignity of the crown; penſions granted for lives or years, whether in poſſeſſion or reverſion, tend to leſſen the dignity of the crown in ſucceeding reigns, and are therefore injurious to the royal ſucceſſors, to the nation of Ireland, and to every nation in the Britiſh dominions. Some new kind of ſophiſtry muſt be invented, to frame a plauſible apology for the adviſers of ſuch penſions, being in fact obtained to ſerve the corrupt purpoſes of ambitious men, and to debauch his majeſty's ſubjects of both kingdoms, that men of Ireland may betray their own country, and men of England, both.

Such is the ſubſtance of what ſome years ſince Counſellor M'Aulay delivered to the public, and which indeed is not inapplicable to the preſent occaſion, as nothing can be fitter for the deliberation of a national council, than to take into conſideration how to puniſh thoſe, who have proved the peſt of, and almoſt ruined the nation; and how to prevent the like miſchief for the future. The name of a penſioner is very diſtaſteful to every Engliſh ſpirit, it includes the idea of every thing baſe and mean in it, and argues a breach of truſt, than which nothing can be more infamous. Robbery and ſtealing our law puniſhes with death, and what are they deſerving of, who beggar and take away all that

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the nation has, under the pretence of diſpoſing of the people's money for the honour and good of the king and his dominions? And if nothing more than this was to be ſaid, they deſerve without doubt a high cenſure.

Beſides giving away vaſt ſums, without any colour or reaſonable pretence; there is this great miſchief likely to enſue. Every man very well knows that granting penſions puts a king of England into an extraordinary way of expence; and therefore when he has not great ſupplies, it muſt of neceſſity bring him into great want and need; and may not only give him an ill opinion of all parliaments, that do not ſupply him extravagantly, but perhaps put him upon thinking of ways to get money that otherwiſe would never have entered into his thoughts; ſo that whatever ill may happen of this ſort, penſioners and ſuperfluous placemen are anſwerable for it.

In another point of view, penſioners and placemen lay us open to all our enemies: whatever bold invader may attempt to come among us, need not deſpair of ſucceſs; for they have taken from us the ſinews of war, that is, money and courage. When our money is all gone, when the nation's treaſure is exhauſted, and when the people are poor and diſtreſſed by a load of vexatious taxes, their ſpirits muſt of courſe be low; ſo that we may be left without a defence; and whom muſt we thank for bringing us into this deſpicable condition, but thoſe gentlemen, who notwithſtanding have the face to ſtyle themſelves the King's friends, and to treat all thoſe who oppoſe their malverſations and deſtructive practices, as factious and ſeditious.

In the time of Henry VIII. about the 20th year of his reign, when the parliament was active againſt pluralities and non-reſidence, an act was paſſed to releaſe to the king all ſuch ſums of money as he had borrowed at the loan, in the 15th year of his reign. This is ſaid to have been much oppoſed, but the reaſon given why it paſſed is, becauſe the houſe was moſtly compoſed of the king's ſervants, which gave great diſturbance to the nation: and this perhaps is the only caſe that comes near to our preſent ſet of placemen and penſioners; yet we cannot find that they, or any parliament before them took money to vote; ſo that we muſt conclude there were never any penſioners in parliament till the reign of Charles II. and from thence downwards, in accelerated ratio of the deſcent of heavy bodies, to the preſent time.

What then muſt be done? muſt they eſcape? muſt they go unmoleſted with their booty? They have given up the government, they have perverted the ends of parliaments.

Free and unbiaſſed parliaments have been and are the great refuge of the nation, the only remedy which cures all its diſeaſes, and heals all its ſores; but theſe men have made parliaments a ſnare to the nation, and at beſt have brought them to be an engine to money; if therefore they go away unpuniſhed, what they have done we muſt be ſaid to have countenanced and to have penſioners in every parliament while we ſubmit as a nation. Would it not be adviſeable to deal with them, as was propoſed againſt the penſioned parliament of Charles II.

"That every man of them ſhall on their knees confeſs their fault to all the commons; and that to be done at the bar of the houſe one by one.

"That as far as they are able, they refuſed all the money they have received for ſecret ſervices. Our law will not allow a thief to keep what he has got by ſtealth, but of courſe orders reſtitution. And,

"That they be voted incapable of ſerving in parliament for the future, or of enjoying any office civil or military; for it is not fit that they who are ſo falſe and unjuſt to their truſt, ſhould ever be truſted again, that ſo a ſufficient mark of infamy being ſet on them, the people may know who bought and ſold them."

The Abſurdity, Impolicy, and Inutility of reducing the Taxes on SOAP, CANDLES, &c.

To Lord NORTH.

La virtue eſt la ſeule nobleſſe. Lord North's Motto.

My Lord,

IT is an opinion which at preſent prevails almoſt univerſally, that you really practiſe what you profeſs. What has for ages been thought an utter impoſſibility with miniſters, is admitted in your lordſhip. A true ſenſe of virtue, and a due attention to politicks, were ideas ſo contraſted, as to be thought as oppoſite as the poles. And indeed, my Lord, to this notion, ſtrange and abſurd as it was, the conduct of ſtateſmen has given no ſmall ſupport. Time, which places all things in a true point of light, has ſhewn that virtue, and the true intereſt of the ſtate are not, as they have been long thought, incompatible: And we are happy to find the ſtrongeſt proof of it in Lord North's adminiſtration; for which period the union of private Worth and *real* Patriotiſm ſeems to have been reſerved.

But, my Lord, although men of ſenſe and candour ſee and admire the virtues of the man, and the ſagacity of the miniſter in general, yet there are particular points in which they do not intirely coincide with your Lordſhip in opinion, and I beg leave to ſuggeſt, with the utmoſt reſpect, in what they differ, to your Lordſhip's conſideration.

We are told (and the benevolence of your diſpoſition inclines us to credit it) that your Lordſhip has been inceſſantly employed to reduce the taxes which moſt immediately affect the labourer, and to find an equivalent for purpoſes of the ſtate. My Lord, an humane man would wiſh to relieve the poor, and a politick man would rejoice to promote the manufactures and trade of his country, by leſſening the price of labour. But, my Lord, although I will not cede to any man with regard to the tender ſenſations of humanity, nor reſign the palm to the moſt zealous aſſertor of my country's intereſt, yet I cannot ſubſcribe to the opinion of thoſe who are for the reduction of taxes on Soap, Candles, &c.

Methinks I ſee your Lordſhip in a poſture of aſtoniſhment at the aſſertion; and ſo you well may, becauſe the laws of humanity and policy ſeem to ſtare me in the face—I ſay they *ſeem* to militate againſt my aſſertion, but upon a little reflection I apprehend they will be found to ſubſcribe heartily to my doctrine. I hope the drift of this letter will not be miſtaken. I give you credit for the goodneſs of your heart, without any invidious deſign to rob you of the merit of any humane action. Popularity is pleaſing, and may be deſirable; but it ſhould be that ſort of popularity which ariſes from the conviction of men of ſenſe and virtue, and not from the unthinking voice of the multitude, who, having no foundation in knowledge, judge, talk, and act at random, ſhifting about like the vibrations of a weather-cock. Deſigning men will court the noiſe of the unthinking rabble, to gratify their own purpoſes at the expence of their country; like the incendiary, who ſets his neighbour's houſe on fire, in hopes of profiting by the confuſion. But miniſters of real abilities and probity, will wiſh only for the approbation of the ſenſible and candid part of the community. For although it may not be politick to appear odious to any ſet of men, yet it would be culpable, and perhaps a criminality againſt the ſtate, to gratify their unreaſonable paſſions at the expence of one's underſtanding.

The diſorder of the body politick, like the diſeaſe of the body corporate, is often *un mal imaginaire* that requires more the comic powers of a Moliere, than the art of the Faculty.

Our miniſters had the acuteneſs to ſee it in this light, and the ſagacity to heal the great ſource of grievances rather ludicrouſly than ſeriouſly, whereby they have, in my opinion, ſhewn great judgment and great virtue. For although there will always be found in the beſt policed ſtates, as well as in the beſt regulated ſocieties, things which are grievous to ſome men's diſpoſitions and views, yet, my Lord, it was my real opinion from the beginning, from the very birth of theſe noiſy complaints, that the *Oppoſition* formed upon that ſandy foundation, againſt the miniſtry, was like *a fire of ſtraw*, which, however troubleſome the ſmoke might be for a while, would ſoon extinguiſh itſelf. And this is really and happily the caſe at preſent, on which I congratulate the true friends of this nation.

As this fortunate event has been accelerated by your Lordſhip's wiſdom, you may with modeſty claim great merit; yet it ſeems your Lordſhip is not ſatisfied with this reward, but ſeeks a further gratification in the applauſes and admiration of *every* claſs of men.

It is ſaid Lord North aims at popularity, by reducing certain taxes. The deſign may be benevolent, but I apprehend the execution will not be politic or even juſt. The firſt object of government, according to that well known maxim, is *ſalus populi*. Private conſiderations muſt cede to thoſe of the ſtate. Upon this principle I am bold enough to affirm, that taxes which are already impoſed and diſpoſed of, ſhould not be *parted with*, whilſt they are wanted, and that they muſt be wanted, and greatly wanted too, by a government ſo much in debt, requires no extraordinary capacity to demonſtrate. I do not therefore know of an idea more abſurd, or more extravagant, than to reduce our taxes whilſt our debts are accumulating; this is like a bankrupt's deſtroying his effects to diſcharge the demands of his creditors. The reduction of taxes whilſt they are much wanted, may make Lord North popular, but will be a poor compliment to the wiſdom of his adminiſtration. All miniſters would be popular were they to make ſuch ſacrifices: in proportion as they were raiſed by ſuch methods in the opinion of the vulgar, they would ſink in that of the judicious; who know that the ſecurity and credit of the ſtate muſt be the firſt things provided for, though never ſo inconvenient to individuals. The ſtate would be prejudiced by this meaſure, and the ſubject not benefited. For as neceſſity is the mother of invention, ſo when things are dear, it keeps the human mind active, and is a ſpur to induſtry. Whereas an injudicious indulgence would have a contrary effect. I

ſpeak in general, and in that ſenſe, I believe men of experience and candor will allow my doctrine to be juſt.

Whatever may be ſaid of the price of Soap and Candles, it is pretty evident, from the number and ſucceſs of publicans, that thoſe who go under the denomination of labourers, have in general more *beer* and more *leiſure* than is neceſſary to promote induſtry, and to provide for the real ſupport of their families. As this is undeniably the caſe, may we not, without breach of charity, ſuppoſe that the cheapneſs of Candles and Soap will be ſuch an indulgence, as will only tend to encreaſe their pots of beer, and hours of leiſure, to the great injury of themſelves, and the detriment of ſociety? Let it, however, be ſuppoſed for the ſake of argument, that I am miſtaken about the beer and leiſure, and that the labourer would wiſh to turn the cheapneſs of Candles and Soap to his advantage; yet is this to be done? In proportion as the neceſſaries of life are cheap, will not the maſter regulate the prices of labour ſo that the advantage would be pocketed by the wealthy, and not by the poor artiſan, which I am ſure is contrary to your Lordſhip's humane deſign. In ſhort, the rich employer, and the undeſerving publican, would run away with the whole of this reduction; and therefore, ſince the reduction would do a great diſſervice to a neceſſitous ſtate, and perhaps as much diſſervice, upon the whole, to thoſe very people for whoſe immediate welfare it was deſigned; I hope the greaſy ſubject of Soap and Candles will be laid aſide, to make room for conſiderations that more immediately and more eſſentially concern us as a trading country.

The juſtly admired COLBERT was more ſtudious to render his country *flouriſhing* than to reduce taxes. He was ſenſible that the latter were in a great meaſure occaſioned by inattention to the former, and that, like cauſe and effect, taxes depended, and muſt neceſſarily be regulated by the true ſtate of the public finances, and not by the humanity and will of the miniſter. That ſingle cauſe will be productive of every wiſhed-for effect. Inrich the individual by *natural* means, and he will chearfully and abundantly contribute to the neceſſities of the ſtate. The evil does not lie in the tax, but in the *inability* to *pay* it. When men are *wealthy* the burthen ſeems light; it is their *poverty* which makes it heavy. No matter *what* the tax is *when* the ſubjects can afford to bear it. Beſides, when the nation flouriſhes, taxes will become proportionably unneceſſary, becauſe the natural and larger contributions of trade and commerce, by encreaſing our finances,

will

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will ſufficiently provide for the debts and other expences of government.

We may therefore reaſonably hope that Lord North, after the example of the illuſtrious Colbert, will attend to the cauſe more than to the little effects, and be more attentive to the condition of our manufactures and commerce than to the reduction of taxes, which cannot, either with prudence or ſafety be parted with in the opinion of

CORIOLANUS.

GRENADA, *December* 7.

ON Tueſday laſt the Honourable the Council met purſuant to a ſummons of his Excellency, who preſented to the Board his Majeſty's mandamus appointing Charles Nicholas de Chanteloup, Eſq; a new-adopted Roman Catholic ſubject, to be a member of the ſame, when all the members preſent unanimouſly oppoſed his admiſſion, and retired on that gentleman's being called to be ſworn in: in conſequence of which, his Excellency has been pleaſed to ſuſpend them, as appears by the following copy of the ſuſpenſion.

By his Excellency WILLIAM LEYBORNE LEYBORNE, Eſquire, Captain General and Governor in Chief, in and over his Mejeſty's Southern Caribbee-Iſlands of Grenada, the Grenadines, St. Vincent, and Tobago, Chancellor, Ordinary, and Vice-Admiral of the ſame, &c. &c. &c.

WHEREAS CHARLES NICHOLAS DE CHANTELOUP, Eſquire, did preſent to me a mandamus under his Majeſty's ſign manual, appointing him one of the members of his Majeſty's council of the iſlands of Grenada and the Grenadines: *And whereas*, at a meeting of the members of his Majeſty's ſaid council for the ſaid iſlands of Grenada and the Grenadines, held in the Council-Chamber in the town of St. George, on the third day of this inſtant December, I did direct the ſaid mandamus to be read, and in purſuance thereof, ordered the Provoſt-Marſhal to call in the ſaid Charles Nicholas de Chanteloup (who was attending for that purpoſe) to be ſworn in a member of the ſaid council: *And whereas*, The Honourable Patrick Maxwell, John Melvill, John de Ponthieu, Robert Maclellan, and Iſrael Wilkes, Eſquires, being all the members of his Majeſty's council then preſent in the iſland of Grenada, did object to, and refuſe, to ſwear in,

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in, the ſaid Charles Nicholas de Chanteloup, a member of his Majeſty's council, in diſobedience of his Majeſty's ſaid mandamus, and wilfully abſented themſelves from the council (notwithſtanding they were admoniſhed by me, that the conſequence of ſuch diſobedience would be their ſuſpenſion from being counſellors) for which ſaid diſobedience, refuſal, and abſence, I have ſuſpended the ſaid Patrick Maxwell, John Melvill, John de Ponthieu, Robert Maclellan, and Iſrael Wilkes, Eſquires, and each and every of them; and I do hereby* ſuſpend them the ſaid Patric Maxwell, John Melvill, John de Ponthieu, Robert Maclellan and Iſrael Wilkes, Eſquires, and each and every of them, from ſitting in and being of his Majeſty's council, and they the ſaid Patrick Maxwell, John Melville, John de Ponthieu, Robert Maclellan and Iſrael Wilkes, Eſquires, andeach and every of them, are, and is, hereby ſuſpended accordingly, from being members of his Majeſty's ſaid council.

GIVEN under my hand this 3d day of December, in the year of our Lord one thouſand ſeven hundred and ſeventy-one.

WILLIAM L. LEYBORNE.

* In all former ſuſpenſions, theſe words were added "during the King's pleaſure;" this therefore is a new and abitrary ſtile.

The late Members of the Council give the following Reaſons for their conduct, which they deſire us to publiſh:

Becauſe, WE think that the many acts of parliament which reſtrain the crown from employing in places of truſt and power, all perſons whatſoever who profeſs the Roman Catholic Religion, are not to be diſpenſed with by any prerogative of the king; and that the inability all ſuch perſons are at preſent in, by law, of holding offices, is not any otherwiſe to be removed, but by an act of parliament of Great-Britain.

Having thus ſtated in our opinions, what are the laws of Great Britain, on this head, we are ſorry to be obliged, on this occaſion, to aſſert our indiſputable right to the poſſeſſion of every law and liberty of our mother country, that is not inconſiſtent with the due ſubordination of a colony to the parent ſtate, for the general good of the whole; neither do we at this time unneceſſarily claim theſe our rights, but are compelled thereto; becauſe, to our great aſtoniſhment, we find them denied, and many of the meaſures adopted here are juſtified on contrary principles; ſuch as the king's power over us, by right of conqueſt, and by his prerogative. The bounds

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of which, as aſcertained by law in England and in other colonies of America, we are told, do not extend to us the inhabitants of Grenada. Our reaſon for eſteeming ourſelves in the full poſſeſſion of every Engliſh privilege and liberty as our native birth-right, and as confirmed to us by particular laws, are the following:

Becauſe, Every king of England, at his coronation, ſwears, to govern the people of the kingdom of England and the dominions thereto belonging, according to the ſtatutes in parliament agreed on, and the laws and cuſtoms of the ſame, Now, if we are included in the words of this oath, the dominions thereto belonging, theſe our liberties have been further confirmed to us, by our gracious King, with every ſanction and ſolemnity of law, that can give ſtability and authority to any action of government, by his inſtructions and orders to our governors, by his royal proclamation and by his letters patent under the Great-Seal. In the proclamation then, for improving and better regulating the countries and iſlands ceded to the crown of Great Britain, by the treaty of Paris; it is ſaid, ſpeaking of Grenada and our other acquiſitions in the late war: "AND whereas it will greatly contribute to the ſpeedy ſettling our new governments that our loving ſubjects ſhould be informed of our paternal care for the ſecurity of the liberties and properties of thoſe, who are, and ſhall become inhabitants thereof: we have thought fit to publiſh and declare, by this our proclamation, that, we have in the letters patent under our great-ſeal of Great Britain, by which the ſaid governments are conſtituted, given expreſs power and direction to our governors of our ſaid colonies, reſpectively; that ſo ſoon as the ſtate and circumſtances of our ſaid colonies will admit thereof, they ſhall, with the advice and conſent of the members of our council, ſummon and call general aſſemblies within the ſaid governments, reſpectively, in ſuch manner and form as is uſed and directed in thoſe colonies and provinces in America, which are under our immediate government: and we have alſo given power to our ſaid governors, with the conſent of our ſaid councils and the repreſentatives of the people, ſo to be ſummoned as aforeſaid; to make, conſtitute, and ordain laws, and ſtatutes, ordinances, for the public peace, welfare, and good government of our ſaid colonies, and of the people and inhabitants thereof, as near as may be agreeable to the laws of England; and under ſuch regulations and reſtrictions as are uſed in other colonies. And in the mean time, and until ſuch aſſemblies can be called as aforeſaid; all perſons inhabiting in or reſorting unto our

our ſaid colonies, may confide in our royal protection, for the enjoyment of the benefit of the laws of our realm of England; for which purpoſe we have given power under our great-ſeal, to the governors of our ſaid colonies, reſpectively, to erect and conſtitute, with the advice of our ſaid councils, reſpectively, courts of judicature and public juſtice, within our ſaid colonies, for the hearing and determining all cauſes, as well criminal as civil, according to law and equity, and as near as may be agreeable to the laws of England."

Becauſe, By the commiſſion under the great-ſeal, dated the 9th of April, 1764, to Governor *Melvill*, to eſtabliſh and adminiſter the civil government of this colony, it is expreſsly required, that all perſons in the council and aſſembly, and in all public offices whatſoever, ſhould take the oaths of allegiance, abjuration, and ſupremacy, and make and ſubſcribe the declaration againſt tranſubſtantiation; and it was on this commiſſion, that the civil government of this colony was actually, compleatly and, we truſt, permanently eſtabliſhed; by the appointing of a council, the calling and meeting of ſeveral aſſemblies, the erection of courts of judicature and juſtice; all whoſe members, judges, miniſters, and officers, complied with all the requiſites, preſcribed in and directed by this commiſſion, which the known eſtabliſhed charter of this colony: ſuch then of the parts of this commiſſion, as concern the rights, liberties, immunities, and freedom of the people, the form and mode of government, and the eſtabliſhment, preſervation, and ſecurity of the religion of the church of England, as by the laws of England eſtabliſhed, cannot now be altered, annulled, repealed, or revoked, by any commiſſion of a contrary or different import, or by any other act whatſoever, done by the ſole authority of the crown, and without the conſent and concurrence of the Lords and Commons of Great Britain.

It is on a ſimilar commiſſion that the conſtitution of ſeveral of the colonies and provinces on the continent of North America, and of moſt or all of the neighbouring iſlands depends, and in no one of thoſe conſtitutions (although ſeveral of the colonies were acquired by conqueſt) hath any alteration been at any time attempted by the prerogative of the crown.

Becauſe, By the act of ſettlement of the 12th year of king William the IIId. on which it is very well known, His Majeſty's title to the crown of Great Britain is founded: It is provided, that no perſon, born out of the allegiance of the crown of England, even although he be naturalized or made a denizen, ſhould be capable to enjoy any office, or place of truſt,

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truſt, civil or military. And by an act of parliament of the 7th and 8th of William III. Cap. 22, it is ordained in particular, That all the places of truſt in the courts of law, or reſpective treaſury offices in the plantations, ſhall be only in the hands of natural born ſubjects of England or Ireland, or of the ſaid plantations. Expreſſions, which in relation to the context of the whole act, and according to all legal principles and conſtruction; and by analogy, with all other laws for limiting the poſſeſſion of offices to natural-born ſubjects, muſt, we apprehend, be taken to be equivalent to, and to mean, ſubjects born under the allegiance of the crown of England in England, Ireland, or the iſlands, and cannot be meant to include the inhabitantsof Grenada, born while it was under the dominion of the crown of France, as has been aſſerted. Now, the council of Grenada, with the governor of this iſland, compoſe a court of juſtice called the court of error, of which court, this gentleman born out of the allegiance of the crown of Great Britain, muſt conſequently be a judge, if he is admitted of the council; and how contradictory this is to the two acts of parliament cited above, We leave all mankind to judge; and to the laſt of theſe two acts, every governor of this colony is particularly ſworn to pay obedience at his entering into office.

Becauſe, By the act of the firſt of William and Mary, S. 2, C. 2, which preſcribes the conditions upon which the crown is held, the pretended powers of ſuſpending and diſpenſing with laws, or the execution of laws, by regal authority, without the conſent of parliament, is agreed and declared to be utterly and directly contrary to the known laws and ſtatutes, and freedom of the realm.

Becauſe, When it has been thought expedient by government to employ foreigners in America, and to encourage them to ſettle there, recourſe was uſed to be had to parliament to enable the crown to do what otherwiſe by law could not be done, of which we ſhall only cite two inſtances as ſufficient. In the 13th year of the late king, an act was paſſed by which foreign Proteſtants, reſiding ſeven years in any of his Majeſty's colonies, were intitled to the privileges of natural-born ſubjects in the ſaid colonies:—and early in the late war, in the 29th year of George II. an act paſſed to enable the king to employ a certain number of foreign proteſtants to ſerve as officers in America only. Thus it appears, that the king's powers to diſpenſe with the laws, has no more exiſtence in America than in Europe, and can never be juſtified here, unleſs it can be made appear, that the king is king in Grena-

da, upon different conditions, and with powers not assumed or pretended to in his other dominions.

Because, It is plain, that the same power that can constitute two Roman catholic counsellors, and three members of the assembly, and one judge, may, whenever he pleases, make every member of the council and assembly, and all the judges of Roman catholics, the legality of one case being just as plain as the other.

Because, We believe ourselves justified in this our opinion, that the power of the crown is bounded by law, in the liberty to be allowed the Roman catholics, by the words of the definitive treaty of peace made in February 1763, which in the 4th article, are as follow: "His Britannic "Majesty agrees to grant the liberty of the Roman catho- "lic religion, to the inhabitants of Canada; he will con- "sequently give the most precise and most effectual orders "that his new Roman catholic subjects may profess the "worship of their religion, according to the rites of the "Romish church, as far as the laws of Great Britain per- "mit." And in the 9th article of the said treaty, this clause is extended in the same words to Grenada, and the Grenadines. Thus does our king, with a magnanimity worthy of a British king, in a solemn treaty of peace, and speaking to the kings of France and Spain, and to the whole world, avow, that he is limited by the laws of his kingdom, in the degrees of Indulgence that he can impart to his Roman catholic subjects; and makes use of words that would be absurd, if the crown had the powers that the present advisers of this measure suppose inherent in it; for surely, in a treaty with foreign powers, the king would not disclaim any of his legal rights and prerogatives.

Because, It has been solemnly determined at a court of Common-Pleas of this island, in the month of June of the present year, that the last assembly held here, in which three Roman catholics had sat as members, was an illegal assembly and had no authority to make laws; and a jury on the La Baye Cause, found a verdict against the Provost-Marshal, for levying on a person who refused to pay a tax imposed by that pretended assembly. Now if any future assembly, in which Roman catholics are admitted, should be convened and pass acts, we cannot but apprehend, that the most fatal consequences thereof, will be endless disputes and lawsuits, and uncertainty of property throughout the island and its connections at home. We must add here, that should there be an assembly now called, in which it might happen that

no

no Roman catholic had a ſeat, the ſame evils would have followed, our conſenting to admit this Roman catholic gentleman, to be a member of the council, as the council have an equal authority in making the laws with the aſſembly, and muſt be equally legally conſtituted to make thoſe laws valid.

We are far from being actuated, upon this occaſion, by any partial, national, ſelfiſh, or illiberal prejudices, relating to the new ſubjects; but in the ſpirit of true liberty, deſire the bleſſings of our free conſtitution and happy form of government, may be extended to all our fellow-ſubjects equally with our ourſelves; but we muſt think it very hard, to be deprived of our franchiſes and rights, by means of theſe meaſures, and inſtead of having the ſatisfaction of ſeeing theſe formerly French ſubjects exalted into Engliſh freemen, to find ourſelves ſunk into the ſtate of the ſubjects of arbitrary crowns, where the will of the king is the only law of the land, and can change at pleaſure both the laws and legally eſtabliſhed form of government.

PARLIAMENTARY PROCEEDINGS *in* IRELAND.

February 4, 1772.

This day the houſe of commons met according to adjournment, from the firſt of January. The ſpeaker having taken the chair, ſundry orders of the houſe, for reſolving itſelf into committees, to conſider ſeveral bills which lay over from the laſt meeting; but the buſineſs of the houſe occaſioned them all to be poſtponed.

Sir George Macartney then aroſe, and told the houſe, that as he had informed it of his Excellency's reſolution, to proceed no farther in relation to the new commiſſion (for dividing the revenue board into two different boards, one of cuſtoms, and one of exciſe, and appointing five new commiſſioners) until his Majeſty's further pleaſure was known, that now he had to acquaint the houſe, that his Majeſty had ſent further orders to proceed therein, and the new commiſſions were paſſing the great ſeal.

When he had ſat down, the houſe was ſilent for ſome minutes. Alarm, confuſion, and indignation were painted on the countenances of moſt of the members preſent; at length Mr. Cramer aroſe, and moved that the reſolution of the houſe on this buſineſs, when firſt brought before it, might be read. This motion being agreed to, the reſolu-

tion was read, and it appeared that it was the opinion of the houſe, that the preſent commiſſioners of the revenue were ſufficient to tranſact the buſineſs thereof. That this reſolution had been carried by the whole houſe, and by the Speaker had been laid before the Lord Lieutenant, [who had promiſed to tranſmit it to England.]

When this reſolution was read, Mr. Lodge Morris aroſe, and ſaid "he did not ariſe to impeach the Right hon. member who had dared to bring ſuch a meſſage to that houſe; a piece of information that muſt ſtrike indignation and diſmay into the breaſt of every upright member of it. But as ſo few were then preſent, he moved that the conſideration of this affair might be poſtponed till next Tueſday, on which day there would be a call of the houſe.

Mr. Brownlow aroſe to requeſt that the hon. gentleman would inform that houſe what new lights had ariſen, to make that meaſure then expedient and proper, which that houſe had ſolemnly declared to be very improper. He ſaid alſo, that from the confuſion and trepidation with which the right hon. gentleman informed the houſe of this extraordinary ſtep of government, it appeared that he was very much embarraſſed in the execution of his orders; and that that gentleman was not to be blamed for what he had ſaid, as it was merely in execution of his office.

Mr. Ponſonby declared his abhorrence of this new inſult on the parliament of Ireland, in the ſtrongeſt terms. He ſaid, that it was abſolutely ſtriking at the very eſſence of the houſe, to proceed in contradiction to its ſolemn reſolution, on the queſtion of which, there was a majority of no leſs than forty-ſix. That he ſhould move when it came before them on Tueſday next, that a committee of that houſe ſhould be appointed to wait on his Majeſty himſelf, to give true information of the real ſtate of this kingdom, and beſeech him not to proceed further in this meaſure, as it was certain that falſe information had been given to the king, who was too good to lay unneceſſary burthens upon his people of Ireland, if he knew their real condition—and if nothing elſe would do, but that this commiſſion was to be forced upon them, he would, himſelf, move not to make any proviſion for the expence incurred by an oppoſition to the reſolutions of the houſe. Mr. Connolly ſpoke in ſupport of what Mr. Ponſonby had ſaid. And Sir Lucius O'Brien requeſted to know, whether they were to look upon the information they had received as a meſſage from the Lord Lieutenant, or only a notification from the ſecretary?

Mr.

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Mr. Monck Mafon (who is to be one of the new commiſſioners) ſaid the information came very properly from the right honourable gentleman, as he was the perſon who had given the former notices to the houſe on this affair.

Sir George Macartney ſaid it was not a meſſage, but only a notification which his Excellency had ordered him to make; upon which, Sir Lucius O'Brien ſaid, ſince it was denied to be a meſſage, he could not tell whether it was properly before the houſe or not.

Mr. Brownlow then moved, that the proceedings relative to this affair, ſhould be laid before the houſe on Tueſday next. This was agreed to, and Mr. Ponſonby obſerved, that though Sir George in his firſt ſpeech only gave it as an information, in his ſecond he owned it to be in conſequence of an order from his Excellency. Mr. Maſon roſe again in defence of the propriety of Sir George Macartney's conduct (not in the defence of the meaſure itſelf.) Mr. Lodge Morris adviſed to drop any further debate, as the adjournment thereof was agreed to; and then Mr. Cramer having moved that the king's laſt letters ſhould be laid before the houſe next Tueſday, and the motion being agreed to, the houſe adjourned till next day.

An Account of the great Debate in the Houſe of Commons, concerning the Thirty-nine Articles of the Church of England.

SIR William Meredith, who had been perſuaded by the clergy and others, praying for relief in the matter of ſubſcription to the thirty-nine articles, to undertake their cauſe, moved the houſe for leave to bring up their petition in the following ſtrain:

Mr. Speaker,

WHEN I inform the houſe that the ſubject of the petition which I hold in my hand, is religion, a matter of a grave and ſerious nature, and that it is ſigned by two hundred and fifty grave and reſpectable men, I think I need not make uſe of any other argument to beſpeak your indulgence. Solicited as I have been, and inclined as I always am to promote the redreſs of national grievances, I could not on this occaſion help ſtepping forth to the aſſiſtance of tender conſciences, and I will ſay, of injured truth. The thirty-nine articles of the church of England were framed, when the ſpirit of free enquiry, when liberal and enlarged notions were yet in their infancy. That ſubmiſſive and ſlaviſh turn of mind, which is the characteriſtic of Popery, the implicit deference

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deference which it prescribes to superiors, still cramped and fettered the humane mind. The sovereign or directors of his conscience, or his archbishop, or his prelate, dictated an article of faith; and the rest of the clergy received it perhaps with reluctance, but without daring to complain, much less to oppose. Is it not then reasonable to suppose, that the thirty-nine articles are not so perfect as they should be, or as they might be? Is it not natural, from this circumstance, to conclude, that they do not breathe that air of freedom, that liberal spirit, which they might have acquired, had they been properly examined and discussed, like other questions, in the great council of the nation? I think we may safely draw this conclusion *a priori*, without attending to any other point, but the history of their formation. But when we come to read, and to weigh deliberately in our own minds, how much stronger does the argument become? Several of the articles are absolutely unintelligible and indeed contradictory and absurd. Human reason and common sense, by which alone we can judge of revelation itself, revolts against them; and I will be bold enough to say, that there is not a clergyman in England, who thoroughly believes them in the literal and grammatical sense, as he is required by the nature of his subscription: is it not then a great oppression, thus either to wound tender consciences, or to keep them entirely out of the church? To me the matter appears in that light; and as I know that this house ought always to be ready to redress grievances of the subject, and in fact must redress them, in this instance, if they are at all redressed, I think that the petitioners have with great propriety and judgment applied to this house. Were the proposed reform a matter of slight and trivial nature, were there in our creed no tenets, no dogmas, that had any pernicious effects upon society, I should be less sanguine. But the fact is, that there are several, which are damnable, not only in a religious and speculative light, but also in a moral and practical view. Hence many of our most learned divines, the great lights of the church and bulwarks of the reformation and protestantism, wish that *we were well rid of them*. Hence the murmurs and complaints, which at their first promulgation they produced, and ever since perpetuated. Hence the present petition, which, were it not for reasons obvious to this house, would, instead of two hundred and fifty names, have had the sanction of thousands. But let me communicate to the house the substance of it. Creeds and confessions are according to it mere human compositions, and therefore usurpations

uſurpations upon the right of private judgment, which no man can give up without offending God and his conſcience, and incurring the guilt of prevarication and hypocriſy. The ſcriptures are the law of God, and therefore infallible and indiſpenſably obligatory upon a chriſtian. For this reaſon let the ſcriptures be the only teſt, the only confeſſion of faith to which ſubſcription is required from the teachers of the goſpel, or from any other claſs of men. Put a ſtop to the practice of making the young ſcholars at our univerſities ſubſcribe to articles, which they come to ſtudy, and not to ſubſcribe. Before matriculation they are at one univerſity obliged to perform this ceremony at ſixteen, and at the other before that period. Is not this the way to make them imagine that all ſubſcription and oaths are a matter of mere form, and have in them nothing ſacred or eſſential? Surely ſuch a plan of education is very little calculated for making them good members of ſociety. Were there no other objects of conſideration offered in this petition but this ſingle fact, I think it alone would be ſufficient to command your attention, and to induce you to let it be brought up. I move therefore for leave to preſent this petition, that it may be read by the clerk, and afterwards diſcuſſed by this great aſſembly.

Sir Roger Newdigate ſaid it was neceſſary the mover ſhould read the petition.

Sir William Meredith read the petition, as follows.

To the Honourable the Commons of Great Britain in Parliament aſſembled.

The humble PETITION of certain of the CLERGY of the CHURCH of ENGLAND, and of certain of the Profeſſions of Civil Law and Phyſic, and others, whoſe names are hereunto ſubſcribed,

Sheweth,

THAT your petitioners apprehending themſelves to have certain rights and privileges which they hold of God only, and which are ſubject to his authority alone.—That of this kind is the free exerciſe of their own reaſon and judgment whereby they have been brought to, and confirmed in, the belief of the chriſtian religion, as it is contained in the holy ſcriptures. That they eſteem it a great bleſſing to live under a conſtitution which, in its original principles, enſures to them the full and free poſſeſſion of their faith, having aſſerted the authority and ſufficiency of holy ſcripture in "all things neceſſary to ſalvation; ſo that whatſoever is not

read

read therein, nor may be proved thereby, is not to be required of any man that it ſhould be believed as an article of the faith, or be thought requiſite or neceſſary to ſalvation." That your petitioners do conceive that they have a natural right, and are alſo warranted by thoſe original principles of the reformation from popery, on which the church of England is conſtituted, to judge in ſearching the ſcriptures each man for himſelf what may or may not be proved thereby. That they find themſelves, however, in great meaſure, precluded the enjoyment of this invaluable privilege by the laws relating to ſubſcription, whereby your petitioners are required to acknowledge certain articles and confeſſions of faith and doctrine drawn up by fallible men, to be, all, and every of them, agreeable to the ſaid ſcriptures. Your petitioners therefore pray, that they may be relieved from ſuch an impoſition upon their judgment, and be reſtored to their undoubted right as proteſtants of interpreting ſcripture for themſelves, without being bound by any human explications thereof, or required to acknowledge by ſubſcription or declaration, the truth of any formulary of religious faith and doctrine whatſoever, beſide holy ſcripture itſelf.

That your petitioners not only are themſelves aggrieved by ſubſcription as now required (which they cannot but conſider as an encroachment on their rights, competent to them both as men and as members of a proteſtant eſtabliſhment) but, with much grief and concern, apprehend it to be a great hindrance to the ſpreading of Chriſt's true religion. As it tends to preclude, at leaſt to diſcourage further enquiry into the true ſenſe of ſcripture, to divide communions and cauſe mutual diſlike between fellow proteſtants; as it gives a handle to unbelievers to reproach and vilify the clergy, by repreſenting them (when they obſerve their diverſity of opinion touching thoſe very articles which were agreed upon for the ſake of avoiding the diverſities of opinion) as guilty of prevarication, and of accommodating their faith to *lucrative* views or *political* conſiderations; as it affords papiſts, and other diſaffected to our religious eſtabliſhment, occaſion to reflect upon it as inconſiſtently framed, admitting and authoriſing doubtful and precarious doctrines, at the ſame time that holy ſcripture alone is acknowledged to be certain and ſufficient for ſalvation; as it tends (and the evil daily encreaſes) unhappily to divide the clergy of the eſtabliſhment themſelves, ſubjecting one part thereof, who aſſert but their proteſtant privilege to queſtion every human doctrine, and bring to the teſt of ſcripture, to be reviled as well from the pulpit as the

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preſs, by another part who ſeem to judge the articles they have ſubſcribed to be of equal authority with holy ſcripture itſelf. And laſtly, as it occaſions ſcruples and embarraſſment of conſcience to thoughtful and worthy perſons, in regard to entrance into the miniſtry, or chearful continuance in the exerciſe of it.

That the clerical part of your petitioners, upon whom it is peculiarly incumbent, and who are more immediately appointed by the ſtate to defend and maintain the truth as it is in Jeſus, do find themſelves laid under great reſtraint in their endeavours herein, by being obliged to join iſſue with the adverſaries of revelation, in ſuppoſing the one true ſenſe of ſcripture to be expreſſed in the preſent eſtabliſhed ſyſtem of faith, or elſe to incur the reproach of having departed from their ſubſcriptions, the ſuſpicion of inſincerity, and the repute of being ill-affected to the church, whereby their comfort and uſefulneſs among their reſpective flocks, as well as their ſucceſs againſt the adverſaries of our common chriſtianity are greatly obſtructed.

That ſuch of your petitioners as have been educated with a view to the ſeveral profeſſions of civil law and phyſic, cannot but think it a great hardſhip to be obliged (as all are in one of the univerſities, even at their firſt admiſſion or matriculation, and at an age ſo immature for diſquiſitions and deciſions of ſuch moment) to ſubſcribe their unfeigned aſſent to a variety of theological propoſitions, concerning which their private opinions can be of no conſequence to the public, in order to entitle them to academical degrees in thoſe faculties, more eſpecially as the courſe of their ſtudies, and attention to their practice reſpectively afford them neither the means nor the leiſure to examine whether and how far ſuch propoſitions do agree with the word of God.

That certain of your petitioners have reaſon to lament not only their own but the too probable misfortune of their ſons, who, at an age before the habit of reflection can be formed, or their judgment matured, muſt, if the preſent mode of ſubſcription remain, be irrecoverably bound down in points of the higheſt conſequence to the tenets of ages leſs informed than our own.

That whereas the firſt of the three articles enjoined by the thirty-ſixth canon of the church of England to be ſubſcribed, contains a recognition of his Majeſty's ſupremacy in all cauſes eccleſiaſtical and civil. Your petitioners humbly preſume that every ſecurity propoſed by ſubſcription to the ſaid articles is fully and effectually provided for by the oaths of

allegiance and ſupremacy preſcribed to be taken by every deacon and prieſt at their ordination, and by every graduate in both Univerſities. Your petitioners being nevertheleſs ready and willing to give any further teſtimony which may be thought expedient, of their affection for his Majeſty's perſon and government, of their attachment and dutiful ſubmiſſion to the conſtitution in church and ſtate, of their abhorrence of the unchriſtian ſpirit of Popery, and of all thoſe maxims of the church of Rome which tend to enſlave the conſciences, or to undermine the civil or religious liberty of a free Proteſtant people.

Your Petitioners, in conſideration of the premiſes, do humbly ſupplicate this honourable Houſe in hope of being relieved from an obligation ſo incongruous with the right of private judgement, ſo pregnant with danger to true religion, and ſo productive of diſtreſs to many pious and conſcientious men and uſeful ſubjects of the ſtate; and in that hope look up for redreſs, and humbly ſubmit their cauſe, under God, to the wiſdom and juſtice of a Britiſh parliament, and the piety of a Proteſtant King.

And your Petitioners ſhall ever pray, &c.

Sir Roger Newdigate ſaid it was a nullity, unleſs ſeconded.

Mr. Thomas Pitt ſeconded it.

Sir Roger Newdigate objected to receiving a petition from perſons who themſelves had done that which they repreſented to be wrong, and wanted to undo: That the prayer of the Petition undermined the church, which was ſo connected with the ſtate, that they muſt fall together: That it was nugatory, for the King had ſwore not to alter Religion, and this alteration could not take effect unleſs he concurred: That the irreverſibility of the Act of Union made it impoſſible, which at his motion was read.

Mr. Stanley ſaid, that as a lenient meaſure, he had no objection to its being brought to the table; but he could never conſent to proceed on it, ſince it muſt be the deſtruction of the eſtabliſhed church: That it was no new thing to alter religion, but that this was a propoſal entirely to deſtroy it: That the petitioners were like men, who told another, that they would come and live with him, but as a previous ſtep, that he muſt pull down his houſe: whereas if they only deſired him to alter the door, it might poſſibly be more convenient: That he was a friend to toleration, and had himſelf a for-

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a fortieth article, which he valued as much, or more than all the reſt, the peace of the public.

Mr. Byrne ſaid he was a friend to religious liberty, but did not think that ſupported, or likely to be ſupported, by complying with the petition.

Mr. Fitz Maurice ſaid, that the petitioners were followers of an heterodox teacher: That the Confeſſional was their Creed, out of which he read many paſſages, to prove they wanted only to enjoy the emoluments of the church. He abuſed the author as avaricious, hypocritical, and as bad writer: That the Univerſities, if aggrieved, could relieve themſelves: Quoted Blackſtone to prove the doubts about altering forms in religion, and concluded with aſſerting that the petitioners denied the divinity of Chriſt.

Lord George Germaine ſaid, to his own knowledge, the petitioners did not deny the divinity of Chriſt; that it was a lamentable thought to him, that if he ſent his ſon to the Univerſity at ſixteen he muſt ſubſcribe his thorough aſſent to that, which himſelf at ſixty was ſo far from being able to teach him, that he actually could not underſtand it himſelf: That the people have a right to petition, and that it is indecent in their repreſentatives to talk of the fewneſs of thoſe who have ſubſcribed; that the merits, and not the numbers ought to be the objects of their conſideration.

Lord Folkſtone ſaid, That the arguments for ſubſcription affected only the clergy. That others might, without danger, be relieved from are quiſition which ſome thought exceptionable; others, unneceſſary or indifferent: That as to the clergy, ſomething more than a bare aſſent to ſcripture was neceſſary, otherwiſe all ſects who admitted ſcripture, were equally eſtabliſhed: That ſome teſt was required in all ſocieties whatſoever; and, that according to the petition every man was now allowed to interpret ſcripture for himſelf, but hoped the law never would permit him to interpret it for others.

Mr. Thomas Pitt defended the petitioners characters, ſaid, That the petition deſired only moderation and indulgence of conſcience, which was the eſſence of the chriſtian religion.

Mr. Jenkinſon ſaid, That the Univerſities could alter their own articles: That Oxford had lately done ſo in the inſtance of voters, which even determined the qualification of voters for members of parliament: That the articles were the ſymbol of the church of England, and that every ſociety had a right to aſſiſt on an acknowledgement from perſons to be admitted into it of their aſſent to its own opinions: That he

was not ſo abſurd, as to ſuppoſe ſupreme power was not always reſident in the legiſlative body, and conſequently that the Act of Union was ſubject to alterations, but that the peculiar ſolemnity of that act made neceſſary to juſtify the repeal of it, reaſons of the greateſt weight: That it was notorious how proceedings of this kind had proved fatal in the laſt century: That formerly the majority of the Houſe of Commons conſiſted of men who went by the cant term of Church of England; and at preſent, the people at large were of that eſtabliſhment, becauſe the majority of the Houſe were ſo.

Lord John Cavendiſh ſaid, He wiſhed the petition to be brought up and examined with temper: That the beſt method would be to inform his Majeſty a petition of this kind had been received, and praying him to refer it to the conſideration of the Biſhops, or ſelect body of divines, or to convocation: That the Houſe was not ſenſeleſs, but could judge of the intelligibility of the Articles: That many of them were abſurd and heterodox, and had no other effect, than giving opportunity of entrance to men who would ſubſcribe to any thing: That it was ſhocking to ſee young men unable to judge, and who, when they had once given their aſſent, would perhaps be aſhamed to recant, forced to ſubſcribe to that which they neither then could, nor ever would be able to underſtand.

Lord North ſaid, That his firſt intention was out of complaiſance to the ſubſcribers, and reſpect to their plea of conſcience, to have admitted the Petition, and poſtponed the conſideration of it for ſix months: That he never would conſent to revive flames either civil or eccleſiaſtical: That he wiſhed never to proceed in that Houſe at leaſt, to the diſcuſſion of orthodoxy: That the Act of Union was a pledge between the two nations, now happily united, hardly ever to be altered, but yet from the firſt rules of legiſlation, liable to alteration: That the Petition prayed the eſtabliſhment of Sectariſts: That it was not juſt to reſign our poſts, and thoſe advantages which the law had granted to the regular church, in favour of thoſe, who wiſhed, or at beſt (for he thought they might be conſcientious) acted as if they wiſhed to have no eſtabliſhed church at all: That the conduct of the Petitioners was not at all exceptionable as conſcientious men, even though they now diſapproved of the articles, for they might have approved of them, at the time they ſaid they did: But from any thing in the Petition, they might now approve of them, be themſelves willing, if required, to ſign them again, and yet deſirous to make the entrance into the church

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more eaſy for others: That public or private liberality had endowed churches, &c. for the ſupport of members of the preſent eſtabliſhment: That all teachers had their tenets, which they expected to be received by their adherents; That for the ſake of peace he would not meddle with the Articles: That as the reſult of political confuſion is deſpotiſm, ſo that of eccleſiaſtical is ſuperſtition, and an infallible guide.

Mr. Thomas Townſend ſaid, that he was entirely againſt offering any affront to the Petitioners; that they were reſpectable from profeſſion, as well as plea, and that he never could admit the irreverſibility of the Act of Union.

Mr. Edmund Burke ſaid, that the Houſe of Commons was competent to judge of any matter relative to law; that the Articles were to be maintained, or ſome other method of fixing principles in thoſe who were to be public teachers, ſettled: That he was againſt innovations in religious matters; that had he lived when the directory was going to be eſtabliſhed, he ſhould have been for preſerving the Common Prayer; had he lived when the Common Prayer was re-eſtabliſhed, he ſhould have ſupported the directory: That each of them was conſonant to the Chriſtian religion; and though preſcribing different forms, yet as the difference was only in forms, and not in eſſentials, he would have maintained which ever was in force: That the Petition ſtated no exception againſt the ſubſiſting Articles: That the right of private judgement was what the Petitioners at preſent enjoyed, and it was ridiculous to call that the exerciſe of private judgement for which they petitioned: That orders in the church, without a rule of doctrine, was perfect tyranny: That all governments had a right to conſtitute the ſeveral orders of its ſubjects as it pleaſed; and conſequently could the prieſthood: That in the Jewiſh ſtate it was hereditary: That the members of the church were to follow preſcribed forms, to which themſelves had aſſented, not, as had been aſſerted, the opinion of the biſhop who ordained them: That in the latter caſe, how diſtreſſing would it be to a clergyman ordained at Ely, to be beneficed in the dioceſe of Cheſter, and be afterwards removed to Glouceſterſhire: That the Petition deſired for the future aſſent only to ſcripture, without defining what ſcripture was: That very many parts of the Bible had been excepted againſt by many perſons, and in many ages: Again, That it did not ſtate whether ſcripture ſhould be underſtood literally or figuratively: That if the latter method of interpretation were allowed, he would undertake to prove tranſubſtantiation, and other doctrines equally abſurd: That a caſe

caſe might very probably happen, if the Petition were granted, where a perſon, by a ſeries of conſcientious miniſters, might never be able to arrive at Chriſtian baptiſm.

Sir George Saville ſaid, That in many inſtances the intention, which perſons affected, of defending the honour of God, and ſuch expreſſions, were little leſs than blaſphemy: That the articles were formed contrary to Chriſt's doctrine, who ſaid, "He that is not againſt us, is for us," and were repugnant, in many doctrinal parts, to his Word, and particularly where he recommends to his diſciples an imitation of the Samaritan (who rejected Jewiſh and Chriſtian ſects) whereas the articles declare ſuch actions as the Samaritan's to have in them the nature of ſin.

Mr. Charles Fox ſaid, He was againſt rejecting the Petition if it was meant as a method of ſhewing contempt, but ſhould be againſt receiving it, as a reception would be a kind of engagement to proceed, which he hoped would not be done. That the Articles favoured of Chriſtian charity, but taught ſuch myſteries, as ought not to be forced down the throats of young perſons: That in Oxford, where the oaths of ſupremacy and allegiance could not be adminiſtred before 16, an aſſent to the Articles was required by ſtatute, however young the perſon was admitted: That he hoped the Univerſity would, as he found they could, relieve in that particular, and that a miniſter who would ſubſcribe the Articles, and afterwards preach againſt them, would make little impreſſion on his audience.

Mr. Sawbridge ſaid, The articles were ſo ſtrikingly abſurd, that he wiſhed them to be read, and would read them himſelf; but having gone through a few of them, declared, he would not attempt to expoſe them further than they did themſelves.

Mr. Richard Sutton ſaid, the Articles were too abſurd to be defended.

Mr. Dunning ſaid, the ſubſcription to Articles was indefenſible, they were ſo palpably ridiculous; that he never would adviſe the King to conſult the convocation, or any aſſembly, but his parliament.

Mr. Thomas Pitt read a quotation from Biſhop Burnet to prove the inexpediency of all creeds that were complicated, in which he concludes with ſaying, that the church of England was complicated; ſaid that he had heard no argument urged againſt the Petition, that would not impeach the Reformation.

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Mr. Wedderburne ſaid, he was ſurprized to hear a doubt of the right to alter the Union Act, when it was already altered both as to the Engliſh and Scotch church: the former, by the Act againſt occaſional conformity, the latter by the Act which deſtroyed elective patronages: That he thought the Petition ought not to be complied with, but ſhould vote for receiving it, for that at preſent it was not before the Houſe, and he did not regularly know the Prayer: That the Univerſities, which were to preparate them for all the learned profeſſions, and to make perſons fit members of parliament, ought to be under parliamentary cognizance, if they did not take care to reform themſelves; and that he could not conceive but a preſcription was equally efficacious, and proper to be followed, whether the phyſician had ſigned the articles, or not.

Dr. Hay ſaid, that the ſubſcription to the Articles of Matriculation in the Univerſities was improper, and ought to be, and he hoped would be remedied, but not by the interference of parliament, if the Univerſities could do it themſelves. That the Petition ſhould have been preſented to the Lords, with whom all clerical matters begin, as divorces, &c. not that he doubted the Houſe's right to originate any matter that it pleaſed, but becauſe amongſt them there were ſpecial guardians of the church.

Mr. Cooper ſaid, the Petition was before the Houſe ſufficiently, that it muſt be rejected, becauſe it removed the pillars of the church, without ſubſtituting any other ſupport.

Sir William Meredith ſaid, he did not expect to hear that objection, which amounted to a cenſure on the petitioners who did not preſume to dictate; that the Articles taught as divine, not only what were not the attributes of God, but what muſt be peculiarly the attributes of the Devil, if we ſuppoſe the Devil the moſt unjuſt of beings: That the Articles were a notorious falſhood: That no miniſter would defend the doctrines of them in a ſtrict grammatical ſenſe before his pariſh: That he repented his candour in opening the petition: that the ſchiſm act, which alters, is ſubſequent to the union: That underſtanding the articles of ſubſcription in another ſenſe, than was intended by the compilers, and is ſtrictly grammatical, is mere hypocriſy: That Biſhops Burnet and Hoadley, were arrant hypocrites, in allowing every man to underſtand them as he pleaſed, and ſubſcribe in his own ſenſe, and that the Methodiſts are the only true church of England-men, and that he himſelf would ſubſcribe,

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if the noble Lord would prove, as he aſſerted, their conformity to ſcripture.

Lord North denied ſaying the articles were conformable to ſcripture.

Sir Harry Houghton ſaid, he was happy in the free exerciſe of his own opinion, and wiſhed every one the ſame happineſs.

On the diviſion, for the queſtion 71; againſt it 217, excluſive of tellers.

An authentic Account of the Debate on Monday, Feb. 17: in the Houſe of Commons, concerning the Poſſeſſions of the Clergy.

MR. Seymour moved the houſe for leave to bring in a bill to quiet the poſſeſſions of the ſubject againſt dormant claims of the church.—After being ſeconded, he was oppoſed by Thomas Townſhend, Mr. Skinner, Grey Cooper, George Onſlow, Col. Onſlow, the Lord Advocate, Lord North, the Attorney General, and ſupported by Mr. Cornewall, Mr. Brickdale, Mr. Dowdeſwell, Mr. Burke, and Mr. Charles Fox.

The arguments of the miniſtry, and their adherents, were theſe:

It is contended that *Nullum Tempus occurrit regi*, and *Nullum Tempus occurrit eccleſiæ*, are maxims in law founded on the ſame principle; and that, as we have deſtroyed the former, we muſt, in order to be conſiſtent, deſtroy the latter. But let it be conſidered that, when the ſtatute of limitations was made, this matter did not eſcape the attention of the legiſlature, and that, in all probability, our anceſtors were ſwayed by reaſons of the moſt weighty nature, not to include the church. Were there no ſettled revenue ſet apart for the crown; were the demeſne lands now, as formerly, its only ſupport, no man in his ſenſes would have thought of ſtripping it of the *Nullum tempus* right, becauſe no man in his ſenſes would have choſe to leave it defenceleſs, the conſtant effect of poverty and want. Why ſhould the church be treated with more ſeverity? It is no leſs neceſſary to the well-being of the community, than the crown. States have ſubſiſted without royalty. But where is the ſtate that has ever been able to ſtand without religion? The inſtitution is certainly neceſſary; and being neceſſary, it muſt be ſupported. Has any new proviſion been made for its maintenance, that you would thus remove its ancient bulwark? Does the parliament

liament ſettle upon it, as upon the crown, any civil liſt? Was it not ſufficiently ſtripped at the reformation; and do you mean to open a door for its being farther plundered? Our forefathers, when the church was new-modelled, intended that what was left ſhould remain for ever in its poſſeſſion, and for that purpoſe ordered that no length of time ſhould be a bar to its claims. Knowing that ſucceſſive incumbents might, by the peculiarity of their ſituation, ſuffer the patrimony of the church to be loſt, and come into lay hands, they left this remedy for the recovery of her property. An incumbent is frequently a ſtranger in the place where he has a benefice; he is ignorant of the ſtate of his lands and tithes, and all his neighbours are intereſted in keeping him in ignorance: he is perhaps poor, or peaceable, or indolent, or timid, or fraught with gratitude to his patron; or perhaps he is all theſe together. What muſt, in this caſe, become of the property of the church, and of his ſucceſſor? They muſt evidently be ruined. Many of us thought it inexpedient to deprive the crown of this power, with which it was armed for its own defence; and ſome of us ſtill think that the ſtep was impolitic:—Thoſe who voted for clipping the wings of the crown in this particular, becauſe they thought it too powerful and dangerous an engine in its hands, may yet, with propriety, vote againſt this motion, becauſe no danger can be apprehended from the power of the church; and thoſe who voted againſt taking this power from the ſtrong, cannot with decency vote for taking it from the weak. The church has no title-deeds, which deſcend from father to ſon, which are carefully preſerved, and mark out with preciſion the extent and limits of the inheritance, ſo that nothing can be eaſily loſt. Conſequently, the lands and tithes of the parochial clergy, one of the moſt uſeful claſſes of men in the nation, would without this precaution, moulder away, and be reduced to a much ſmaller pittance than it is at this juncture. Yet is it not lamented by the whole nation that they are not poſſeſſed of a larger proportion of the good things of this world? What then muſt we think of a regulation that reduces them to a much more diſtreſsful ſituation? Had it indeed been propoſed to eſtabliſh an office, where regiſters of their title-deeds, or diſtinct account of church poſſeſſions ſhould be kept, the plan would have merited our attention; but inſtead of applying this remedy, the mover of the queſtion lays the axe to the root of the tree, and at once overturns the church's chief palladium. At the time that ſtatute of limitations was made, the church had the power

Venate. The patron, the ordinary, and the incumbent, might exchange eccleſiaſtical property for a juſt equivalent: but, in order to prevent any injury to the ſucceeding generation, from a colluſion, the Nullum Tempus was left as a power, by which any fraudulent bargain might be ſet aſide. Hence the *Nullum tempus occurrit regi*, and the *Nullum tempus occurrit eccleſiæ*, have not the ſame foundation: and it is not therefore neceſſary that for the ſake of conſiſtency we ſhould bury them both in the ſame grave. A conſiderable alteration of our conſtitution is not to be attempted without ſome urgent neceſſity. It ought to have been ſhown that the power veſted in the clergy has been egregiouſly abuſed; that they have been litigious and oppreſſive, and always ready to graſp at every ſtraw, to draw every thing into their own vortex. —In a word, proofs ſhould have been produced of many vexatious and iniquitous ſuits, grounded on the maxim in queſtion. Has this been done? One caſe only, and that not in point, has been laid before us. But how many inſtances are there of vexatious and oppreſſive ſuits commenced and carried on by the laity againſt the clergy.

The gentlemen of the long robe declare, that few, very few complaints come into the courts of law through the means of the clergy, that they are generally dragged thither by iniquitous combinations, that their cauſe is generally ſo juſt that nothing but the moſt abſurd and inveterate prejudice could have bred and foſtered the leaſt diſpute. Is it prudent, is it juſt, is it honourable, to ſtrip ſuch harmleſs and inoffenſive men of their beſt defenſive armour? Conſider that they have here nobody to plead their cauſe, while we, the judges in this caſe, are intereſted men. Our honour therefore is concerned in giving no countenance to the ſcheme. It is too much to make two attacks upon the clergy in one ſeſſion, one upon their doctrine, and another upon their property. No plan, it is true, can be without ſome inconvenience: both the old and the new will neceſſarily partake of the imperfections of all human inſtitutions. But the ancient and eſtabliſhed plan is certainly not incumbered with ſo many nor ſo weighty objections as this which is now under diſcuſſion. What proviſion is here made for ſecuring the tithes of the inferior clergy from diminution, which will be the unavoidable conſequence? None. How is colluſion to be prevented between incumbents and patrons? How are numberleſs other dangers, which, upon the removal of the old and the introduction of the new ſyſtem will appear, to be obviated? With reſpect to all theſe points our innovator is total-

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ly ſilent. One ſingle remedy for a ſingle caſe he has propoſed, and that is all that his legiſlative ſagacity, or that of his abettors, has been able to ſuggeſt. Where then is the propriety of proceeding farther upon this motion? It certainly ought to be rejected.

Mr. Seymour and the abettors of his motion reaſoned thus: It is in vain that gentlemen attempt to make a diſtinction between the ancient power of the crown, and the ſtill remaining power of the church with reſpect to the Nullum Tempus. The preſent claim of the church was prior to the ſtatute of limitations, and therefore could not poſſibly have its origin at that period. The idea was evidently borrowed from the practice of the crown, when the clergy were in favour, and did what ſeemed good unto them. Whence but from this abuſe aroſe the ſtatute of Mortmain? The caſe will admit of no diſpute. The directors not only of the king's conſcience, but of his counſels, converted their influence to the advantage of the order; and our anceſtors were obliged to interfere, elſe they would have, like the clergy of Judea and other prieſt-ridden countries, ſwallowed up gradually all the lands of the nation in their vortex; and become the ſole proprietors of the iſle. The miſtaken piety of ſome, the folly of others, and their own addreſs and induſtry would have by this time made them our lords and maſters. We ſhould have groaned under the moſt intolerable of all tyrannies, under the tyranny of prieſts. Nor is this any reflection on our clergy, becauſe they are but men; and all bodies of men, when under no check, become oppreſſive and deſpotic. They would not deſire to have a compliment paid to them, which could not be juſtly be beſtowed upon our ancient barons, nor indeed upon any claſs of men that ever exiſted. But, you will ſay, can any man in his ſenſes be apprehenſive of exceſſive power in the church? Can ſuch a chimerical idea be for a moment entertained? The anſwer is obvious. However little the danger may now appear, in ſome future period matters may wear a different aſpect. For who knows what may lie concealed in the womb of time? How can you be aſſured that ages of barbariſm will not yet return, and that ſuperſtition will not again reſtore the power of the clergy? It will then be meritorious to yield to the moſt groundleſs claims of the clergy; and weak men actuated by the terrors of ſuperſtition, and the ſuggeſtions of their ghoſtly director will think it the moſt compendious way to heaven to deſtroy their title-deeds, and thus to ſuffer their lands by a law-proceſs to revert into

the boſom of the church. Conſider that at leaſt one-third of the realm has at one time or other been eccleſiaſtical property. What a powerful engine muſt this law in ſuch circumſtances become? The danger may be diſtant; but to a reaſoning ſtateſman it is enough that the ſeeds of the evil are certainly lodged in our conſtitution, as it now ſtands, and that accordingly it is capable of refurrection. He needs no other motive to induce him to attempt the total eradication of the latent poiſon. Without this reformation our ſyſtem of juriſprudence will be lame and imperfect. Length of poſſeſſion, or a preſcriptive claim, however acquired, is a great principle that runs through the whole body of our law, and ſecures property from the dangers, which it would neceſſarily incur in conſequence of the periſhable nature of title-deeds, and the caſualities to which they are ſubject. Is it not a matter of ſome moment to render our laws uniform and conſiſtent? Scotland has adopted this maxim, undiſturbed poſſeſſion of forty years is an effectual bar to the claims of their church. What hinders us to copy this northern principle? Scotland has often borrowed from us; and the union has not precluded mutual imitation. Nor is it the Scottiſh law alone that furniſhes its ſanction. The canon law is equally explicit in favour of the ſame doctrine; and ſo is the civil law, from which it ſeems to have been tranſplanted into the canon and Scotch codes. It is not that theſe precedents will ever be conſidered as abſolutely concluſive, if they were not corroborated by the genius and ſpirit of our own conſtitution, and, what is more, by the law of nature. Mr. Onſlow, it is true, has quoted Grotius to prove the reverſe; but unfortunately he has read a mutilated edition; for it has been proved that, if he had proceeded a ſentence or two farther, he would have read his own condemnation. It is to be hoped therefore that, when he goes home, he will procure and read Grotius at large, and ſatisfy himſelf, that he and every other writer on the law of nature and nations declare againſt the Nullum Tempus without any exception in favour of the clergy. Why ſhould they be exempted from the general rule? Without any new civil liſt ample proviſion is made for the whole order, were it properly divided. Pluralities are the bane of the clergy. Two, three, four, and even five benefices are ſwallowed up by one unconſcionable individual, who employs as many curates, and pays each perhaps at the rate of fifteen pounds a year, though he receives himſelf for each five hundred. If he allows his curates fifty, he is a prince for generoſity.

Ought

Ought not this abuſe to be rectified? The miniſter ſays that he laments as much as any man the inequality of church preferments, but that he cannot ſplit them into ſmaller parts. But ſurely he can prevent a multitude of them from being heaped upon the ſame perſon. Why does he ſuffer ſo many diſpenſations to paſs the great ſeal enabling this doctor to hold two livings, that to hold three, and a third four? It is to be hoped, for the honour of humanity, that there is no miniſter ſo ſordid and avaricious as to graſp at every thing that falls, and to catch it either in his own mouth, or let it drop into that of a relation. Be this as it may, a ceſſation of the practice is the moſt rational plan for relieving the inferior clergy. This motion will not certainly render their condition worſe. Colluſion between the patrons and incumbents may, and, no doubt, now does take place. How will the alteration of the law render it more eaſy or frequent? You will perhaps ſay, that the ſhortneſs of the term, during which the church may claim loſt poſſeſſions, will encourage frauds, becauſe they may remain unknown, till the time for recovery is gone for ever. The ſame argument was urged in favour of the crown; but as it had then no weight, it is to be preſumed that it ought now to have as little. In the ſame ſpirit we are told that the crown, for fear of loſing its juſt rights, would immediately begin a ſcrutiny, and commence actions without number againſt every encroacher upon its property. Was this ſuſpicion verified by fact? No. What reaſon then have we to imagine that the church will follow any other plan? At any rate the ſcrutiny will be the better, the ſooner it is begun. Juſtice will be the more eaſily done to both parties. Nothing can poſſibly be gained by delay. If this power is to remain veſted in the church, how precarious is all lay property? The parchments, which ſecure it, may be loſt, may be deſtroyed by fire, and a thouſand other accidents. A ſee, a dean and chapter, a college may find among their archives ſome muſty records, which ſhow that they were once in poſſeſſion. What is the conſequence? They immediately plead that *nullum tempus occurrit eccleſiæ*, and deſire to ſee the titles by which he holds his eſtate. But, behold! they are loſt. Accordingly, the court of juſtice, in conformity to the ſtrict letter of the law, beſtows his lands upon the church. Nor is this mere ſpeculation. The mover of the queſtion has pointed out a member of your own houſe, who has ſuſtained an injury of this nature from a biſhop of Durham, and loſt by the proceſs not leſs than a hundred and twenty

ty thouſand pounds. Yet you call for proofs of the abuſe of the power in queſtion! Is not this inſtance alone ſufficient? Allow but the bill to be brought up, and there is no doubt but upon enquiry more caſes will be diſcovered. Suppoſe a modus, ſuppoſe an exchange to have long ago taken place, and the proofs to be now loſt. What follows? Why, by means of the eccleſiaſtical Nullum Tempus, the church will ſet the whole aſide, and not only keep the equivalent given, but appropriate the eſtate for which it was given. Can any thing be more unjuſt or unreaſonable? But ſuch is always the conſequence of deviating from the plain track of nature and common ſenſe. When the monaſteries were deſtroyed, and many of their poſſeſſions ſold to the beſt bidders, the augmentation office was eſtabliſhed, and there were kept regiſters of all the eſtates diſpoſed of to laymen. Since that period the augmentation office has ceaſed. Hence the papers there lodged are in much greater confuſion than any other in the kingdom. If this power be ſtill preſerved to the church, what a dangerous inſtrument will it be in the hands of dean and chapters, and other rich eccleſiaſtical bodies, whoſe records are kept with infinitely more care and circumſpection, than the papers and parchments of private families? It is indeed objected, that the mover of the queſtion has not obviated every inconvenience, nor ſhown that his propoſed regulation is neceſſary, in order to prevent the abuſes of the clergy. But ſurely it is abſurd to expect that, before the bill is read, examined or amended, every objection ſhould have been removed. The moſt conſiderable inconvenience is taken away, by allowing the Nullum Tempus to operate for ſixty years and three incumbencies. The proper method of ſecuring the tithes of the parochial clergy, and what other plan for their benefit may be thought neceſſary, he has with much prudence, and no leſs modeſty, left to the diſcretion of this houſe; and ſurely it is too much to ſay, that, without the heterogeneous and monſtrous power ariſing from the Nullum Tempus, the collective wiſdom of the legiſlature cannot ſecure the tithes of the clergy, that incumbrance, that original ſin, with which every morſel of land is born, and without which it cannot exiſt. At any rate, thus to reject a motion for the improvement of the conſtitution, and not to ſuffer a bill to come into the regular courſe of examination and diſcuſſion, is contrary to every idea of juſtice and equity. The practice is ſubverſive of all parliamentary enquiry, and, if tolerated, muſt render this houſe perfectly uſeleſs to the nation. Accordingly the deciſion

ciſion of this queſtion will clearly ſhow whether we have the feelings of parliament or the ſpirit of men. What ought to be done after the bill is brought is not ſo certain; but that it ought to be received is as clear as that two and two make four.

It is in vain we are informed that no neceſſity, no flagrant abuſe preſſes. The plan is for this reaſon the leſs exceptionable; becauſe we are thus leſs liable to error through prejudice or paſſion. Had the propoſal ariſen from ſome recent injury, it would be a ſtrong argument for its rejection. With equal impropriety is it contended, that ancient inſtitutions are not lightly and wantonly to be overturned; becauſe that reaſoning may be turned, as a ſtanding piece of artillery againſt every improvement. Had our anceſtors argued in this manner, we ſhould never have acquired either liberty or property, but groaned for ever under Norman tyranny. When the miniſter urged this common place, he forgot that Lord Bacon had, on the oppoſite page furniſhed his antagoniſts with arms of equal proof. Let us not then be amuſed with boyiſh declamation, inſtead of ſound argumentation, nor for ſterling coin be put off with counters.

On a diviſion 117 were for the bill, 141 againſt it.

A circumſtantial Account of what paſſed at a meeting of the Livery *on Friday evening, Feb.* 14, *at the Half Moon Tavern in Cheapſide.*

THE meeting was very numerous and reſpectable. About eight o'clock Mr. Biſhop was called to the chair. As ſoon as he was ſeated, the chairman informed the company, that he underſtood by the advertiſement, that the livery were called together to conſider of an anſwer made by the Lord mayor to their requeſt of a common hall. He therefore ſaid, he thought it proper to begin the buſineſs by reading the requiſition of the Livery to his Lordſhip; which he obſerved was ſigned by one hundred and forty-three reſpectable Liverymen, one hundred and one of them were of the Common Council.

"*To the right hon.* WILILAM NASH, *Eſq*; Lord Mayor *of the City of* London.

"WE, the underwritten Liverymen, on behalf of ourſelves and brethren the Livery of London, do moſt earneſtly requeſt your Lordſhip will ſummon a Common-hall on any convenient day, previous to the 15th inſtant, for the purpoſe of giving public inſtructions to our repreſentatives in parliament,

parliament, relative to the very important motion intended to be made by Mr. Alderman Sawbridge, in the houſe of commons, for ſhortening the duration of parliaments.

Signed by one hundred and forty-three Liverymen."

After this had been read, Mr. Somers informed the gentlemen that it had been delivered to the Lord Mayor by Mr. Saxby and others; that when it was delivered, his Lordſhip deſired time to conſider of it, and promiſed to return his anſwer in writing to any perſon whom they would appoint to receive it. Mr. Somers being appointed, did accordingly receive his Lordſhip's anſwer, which he now produced. The anſwer was then read over twice as follows.

"The Lord Mayor deſires the favour of Mr. Somers to preſent his compliments to the gentlemen, who yeſterday made an application to him in writing, requeſting him to ſummon a Common-hall on any convenient day, previous to the 15th inſtant, for the purpoſe of giving inſtructions to the city repreſentatives in parliament, relative to the very important motion intended to be made by Mr. Alderman Sawbridge in the Houſe of Commons for ſhortening the duration of parliaments: and the Lord Mayor deſires the gentlemen may be acquainted, that he is very deſirous of embracing every opportunity of teſtifying the moſt reſpectful attention to the wiſhes of his fellow-citizens: But that as the right of the Mayor to ſummon extraordinary Common-halls has been brought into queſtion, and is now in litigation of a court of juſtice, he thinks it proper to ſuſpend the exerciſe of that right till the queſtion has received a legal determination; and the rather, as all motions of conſequence relative to matters ariſing within the city, or in which the corporation are ſuppoſed to be intereſted, may be ſubmitted to the conſideration of the court of common council, which he will be ready to call together on all neceſſary occaſions.

Manſion Houſe, Feb. 12, 1771."

After ſome expreſſions of indignation and a general murmur of diſcontent had ſubſided, Mr. Edridge addreſſed the Chairman in the following manner:

"Sir,

"Whatever may be the different opinions of the propriety of the preſent requeſt to the Lord Mayor for a common-hall; and however gentlemen may honeſtly differ about particular perſons and meaſures; I hold it the duty of every Liveryman to ſtand forth upon the preſent occaſion; and I catch

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at this opportunity (the only one I believe Mr. Naſh will ever afford) of thanking him for furniſhing a ſubject upon which every honeſt man muſt unite. The Lord Mayor by his anſwer has precluded us from entering into any debate concerning the propriety or fitneſs of the preſent application to him, on which perhaps we might reaſonably have been divided. He has choſen to attack the right of the Livery to a common hall. That right is now the only queſtion; and the means of enforcing that right in defiance of a treacherous magiſtrate ought now to be our only aim. The Lord Mayor's reaſon for refuſal is not either becauſe of any deficiency in numbers or importance of thoſe who applied to him; it is not on account of the inſignificance or impropriety of the cauſe of application. Had either of theſe been his declared reaſon of refuſal, we might then indeed have debated upon thoſe points; but he has left us no other alternative but either to agree with him againſt the right of the Livery to inſtruct the repreſentatives, or to condemn and abhor his conduct. Mr. chairman, I will plainly declare that I deteſt his ſcandalous anſwer. He means to rob us of our deareſt and moſt clearly acknowledged right by a pretence as abſurd as it is falſe. He ſays, 'the right of the Mayor to ſummon a common hall has been brought into queſtion, and is now in litigation in a court of juſtice.' Sir, I charge his Lordſhip with an impudent and notorious falſhood. The right of a common hall is not in queſtion; it is not in litigation. A particular manner of puniſhing diſobedience to the Lord Mayor's precepts is in litigation; the right of a common hall is not. But the pretence is as abſurd as it is falſe; what ſhall we ſay to a chief magiſtrate, who, being elected to a ſtation for the ſake of preſerving the rights and privileges of his conſtituents, ſhall declare it a ſufficient reaſon for him to deprive you of the exerciſe of any of your rights as ſoon as ever it ſhall pleaſe any of your enemies to diſpute them! Sir, if this reaſon is ſufficient, I queſtion whether we ſhall much longer have any right left. Should it pleaſe our virtuous court at St. James's (and I proteſt I ſincerely believe it would pleaſe them) to employ their tools to diſpute our right of electing, or having any repreſentatives at all; our virtuous chief magiſtrate, Mr. Naſh, would think that a ſufficient reaſon for ſuſpending likewiſe our right of election!—I would not have any one think I have put too ſtrong a caſe. Sir, the preſent caſe is equally ſtrong: for to have a repreſentative, and not to have the right of inſtructing him, is a mockery of repreſentation. Sir, it is this

right of inſtructing our repreſentatives which the Lord Mayor denies to us: becauſe ſome creatures of the court, as ſlaviſh and abject as himſelf, have endeavoured to obſtruct it. Sir, if this reaſon was ſufficient, we ſhould not have a Lord Mayor, an Alderman, a Sheriff, or even a corporation a week longer; but why do I talk of a corporation? We ſhould not have any form of government left in the kingdom: we ſhould none of us have a houſe to ſhelter us, if we reaſoned like his Lordſhip; becauſe no man muſt enter his own doors from the moment that any ſaucy fellow ſhould diſpute his paſſage.——Mr. chairman, the fact is, that Mr. Naſh himſelf is the perſon who queſtions our right of a Common-hall: I know that it has been his favourite topic (and I pledge myſelf to prove it if he denies it) it has been a point on which he has always publicly inſiſted, that the Livery have no right to meet in Common-hall but for the election of their officers, and when there aſſembled, cannot deliberate on any ſubject, but are confined to their bare votes. —Surely, Sir, Mr. Naſh, (for it grieves me to call him our Lord Mayor) forgets that we have had Common-halls granted by other chief magiſtrates, ſince the diſobedience of the wardens of the Grocers and Goldſmiths companies. Sir, if that diſobedience and the litigation concerning their puniſhment (which is the only thing in queſtion) were reaſons for any thing, they were reaſons for exerting, exerciſing, and repeatedly enforcing that right of the chief magiſtrate. What a precious magiſtrate is this, who points out to our enemies an eaſy method to ſtrip us of all our privileges! If they will only diſpute or deny them, Mr. Naſh, will forbear their exerciſe: if a felon or a murderer ſhould diſpute his Lordſhip's power of commitment, in a particular caſe our good Lord Mayor will leave all other felons and murderers at large, till by the tedious forms of courts at law the particular manner of that commitment is ſolemnly and formally determined. But, Sir, I am aſhamed to ſpend any more time upon ſo plain an abſurdity, ſo ſcandalous a deſertion of his truſt; and therefore I deſire to make a motion that the numerous Livery who are preſent may ſtamp his Lordſhip with this impudent falſhood in the moſt ſolemn manner by a formal declaration: therefore, Sir, I move—"That the right of the Liverymen of London to aſſemble in Common-hall is not in queſtion or litigation, but is a right indiſputably inherent in the Livery."

This motion as a declaration of Mr. Naſh's falſhood and treachery was received with the greateſt approbation and applauſe,

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plauſe, which were thought to be unanimous, till Mr. Raincock roſe to defend the Lord Mayor.

Mr. Raincock exclaimed violently againſt the indecency of the gentleman who ſpoke laſt, and the affront which the motion muſt give to the Lord Mayor, by propoſing to ſo numerous and reſpectable a body of the Livery to join in giving the formal lie direct to the chief magiſtrate of the city of London. He inſiſted that the Livery of London had not a right to aſſemble in Common-hall, but had voluntarily given up that right ever ſince the reign of Richard the Second; and that ſince that time there was a law againſt their aſſembling there except for the purpoſe of election.

Mr. Saxby, *Mr. Malpas*, *Mr. Whitby*, *Mr. Hurford*, and others ſpoke in defence of the motion: they denied the truth of Mr. Raincock's aſſertion, and ſhewed that the Livery was a much later eſtabliſhment than the time of Richard the ſecond: they repeatedly called upon Mr. Raincock to produce his law, or tell them where it was to be found; which he not being able to do, the whole company concluded it to be a law only of his own making.

Mr. Stone was particularly happy and pointed in his ridicule of the Lord Mayor's letter, and in his refutation of Mr. Raincock's law. He complimented the Lord Mayor on his perfect imitation of that court which he had taken for his example. "His Lordſhip, ſaid he, has adopted the very ſtile as well as the principles of a courtier.—*He is very deſirous of embracing every opportunity of teſtifying the moſt reſpectful attention to the wiſhes of his fellow-citizens*——Reſpectful creature! ſo deſirous of *embracing*, that he takes the very firſt opportunity to *betray* them! What is this but the common cant of every deceitful ſycophant; who is always anxious and eager to ſerve you in every thing—except what you ſolicit?" Mr. Stone then ſhewed the abſurdity of the concluſion of his Lordſhip's note, where he talks of *ſubmitting all motions of conſequence to the Common Council*, whereas the preſent motion is for the inſtruction of members of parliament; whoſe conſtituents the Common Council are not, but the Livery; which makes it peculiarly unfortunate for Mr. Naſh to give ſuch an anſwer to a motion which itſelf contradicts his aſſertion."

After Mr. Stone had finiſhed, there was ſome altercation between Mr. Raincock and Hurford; which ended exceedingly to the diſgrace and confuſion of the former, the unanimous thanks of the Livery then preſent being given to Mr Hurford for his conduct on the occaſion for which Mr. Raincock attacked him.

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The motion was then put, and carried without one diſſenting voice.

A motion was then made by Mr. Burnley, that as many members of the Common-Council who were preſent, ſhould wait on the Lord Mayor at ten o'clock on Saturday morning to deſire his Lordſhip to call a Common-Council to take into conſideration the requeſt of the Livery for a Common-hall. Which motion was likewiſe carried unanimouſly.

In purſuance of the laſt motion twenty-three Common-Councilmen waited on the Lord Mayor on Saturday morning laſt with the following requeſt.

To the Right Hon. the Lord Mayor.

My Lord,

"We the underwritten members of the court of Common-Council, at the earneſt requeſt of a numerous meetings of the Livery laſt night at the Half Moon Tavern, Cheapſide, deſire your Lordſhip to call a court of Common-Council on Tueſday next the 18th inſtant, to take into conſideration their application to your Lordſhip for a Common-hall to inſtruct their repreſentatives in parliament to ſupport a motion intended to be made by Mr. Alderman Sawbridge, for ſhortening the duration of parliaments.

"N. B. It is requeſted this buſineſs be inſerted in the ſummons."

To which, at a quarter paſt eleven o'clock at night, his Lordſhip returned the following anſwer:

"The Lord Mayor preſents his compliments to Mr. Biſhop and the gentlemen who waited on him this morning, and acquaints them, that he will call a court of Common-council on ſome convenient day the next week; but that as the application to him for a Common-hall, to which he has already given a definite anſwer, does not appear to him to be a proper ſubject for diſcuſſion in the court of Common-council, he cannot permit that buſineſs to be inſerted in the ſummons."

Manſion Houſe, Saturday Evening. February 15, 1772.

AT a court of Common-council held at Guildhall on Thurſday Feb. 20, a motion was made, that the Lord Mayor be requeſted to call a Common-hall, for the purpoſe of

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of inſtructing this city's repreſentatives to ſupport the intended motion of Mr. Alderman Sawbridge in the houſe of commons, reſpecting *triennial* parliaments.

This motion was made by Mr. Reynolds, clerk of the arraigns, and was ſeconded by Mr. Raincock, who afterwards whined moſt piteouſly declaring, that he had been cruelly treated in the public papers of that day.

The motion for triennial parliaments was then objected to, as annual were thought more eligible.

Mr. Hurford moved for the previous queſtion, becauſe he thought the inſtructions ought to be given by the Livery at large, who are the city members conſtituents.

This motion was ſeconded by Mr. Bellas for the ſame reaſon.

Mr. Deputy Ellis then ſaid, he was ſorry the previous queſtion was about to be put, *becauſe the Lord Mayor had given a definitive anſwer*.—A curious reaſon truly!

Mr. Sawbridge ſaid, that he never intended to make a motion in favour of triennial parliaments in particular, but that the duration of parliaments might be ſhortened; he aſſerted, that thoſe who compoſed the court of Common-council were not the members' conſtituents; the Livery were, and therefore thought the previous queſtion neceſſary.

Mr. Deputy Wilſon ſaid, he was ſurpriſed to hear a previous queſtion propoſed, as it tended to make that court of little conſequence; that the members of it were already reduced to mere cyphers; that he ſhould ever object to the diſcuſſion of any queſtion in a Common-hall; and that it was impoſſible buſineſs could be properly tranſacted in ſuch Common-halls as thoſe we had lately ſeen; he ſaid he alſo diſapproved of them, becauſe the Lord Mayor could not exerciſe authority there without proſtituting the dignity of the chair.

Mr. Sheriff Wilkes obſerved, the merit of the queſtion lay in a very ſmall compaſs; that it was clear the Livery were the only conſtituents; and that it was not neceſſary to be a Liveryman to ſit in Common-council; conſequently the queſtion ſhould originate in the Livery.

Mr. Deputy Wilſon aroſe a ſecond time, and ſaid, that if a precept was iſſued by the Mayor, requiring his attendance in Common-hall, he would certainly diſobey it.

M. Alderman Oliver declared that the Livery alone on this occaſion had a right to inſtruct; that he regarded them as his maſters, who it was his duty to obey? which he

ſhould ever do, though their opinion ſometimes might not coincide with his own.'

Mr. Alderman Roſſeter declared that court had an equal right with the Livery to inſtruct, becauſe the Livery were the repreſentatives of the freemen, by whom the members of the Common-council were choſen; and in confirmation of his opinion, quoted a reſolution in the Mayoralty of Sir William Blakiſton.

Mr. Alderman Trecothick moved, that precedents might be ſearched for.

The previous queſtion was then put, and carried.

The following motion was then made, and carried by a great majority, only three Aldermen, viz. Alſop, Roſſeter, and Bird, and twenty of the Common-council, voting againſt it.

" That the Right Hon. the Lord Mayor be deſired to iſſue his precepts for calling a Common-hall, on any convenient day in the courſe of the next week, for the purpoſe of the Liverymen of this city giving inſtructions to their repreſentatives in parliament, to ſupport the very important motion intended there to be made by Mr. Alderman Sawbridge, for ſhortening the duration of parliaments."

It was then moved, and carried *nemine contradicente*, " that ſuch members of this court, who are members of parliament, be requeſted to ſupport every motion tending to ſhorten the duration of parliaments."

The Lord Mayor then aroſe, and declared, that he neither could, nor would, comply with their requiſition. He referred them for the reaſons of his refuſal to the anſwer he had formerly given them.

Mr. Bellas then moved, that the queſtion, " whether the Common-council have not a right to INSIST that the Lord Mayor ſhall call a Common-hall on their requiſition," be referred to the conſideration of the committee, who are appointed to manage the proſecutions againſt the three refractory companies, and it was recommended that they ſhould ſearch for precedents, and make their report as ſoon as poſſible. It was alſo ordered, if the Lord Mayor ſhould not be ſatisfied with the report of the committee, that the court ſhould immediately iſſue their own precept, which they are certainly authoriſed to do by an act of Common-council paſſed in the year 1748.

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PARLIAMENTARY PROCEEDINGS in IRELAND, *continued from page* 173.

February 5, 1772.

THIS day the Houſe ſat but a ſhort time, and did nothing but read orders, and re-poſtponed the conſideration of affairs to future days.

Feb. 6. This day more buſineſs was poſtponed, on account of the houſe being very thin; the ſeverity of the weather having hindered many of the members from coming to town.

Colonel Browne, in a *very elegant* ſpeech, told the houſe, that in theſe times he thought every ſcheme that tended to the ſaving of money, ought to be adopted, therefore it ſhould give a favourable attention to what he had to propoſe. After this preface he averred, that above twenty thouſand pounds every year were expended in England for raiſing recruits in conſequence of the great deſertion in Ireland, more ſoldiers deſerting in one month here, than in twelve months in Great Britain. This was in a great meaſure owing to people harbouring deſerters, and captains of ſhips taking them away as paſſengers, or indenturing them as ſervants. The beſt way to prevent this, he thought, was to make concealment of a deſerter ſubject to impriſonment, without bail or mainprize; and the ſame penalty to be inflicted on all captains of ſhips, who ſhould take on board any perſons without a certificate under the hand of a juſtice of peace.

Sir George Macartney replied, there were laws in being, ſubjecting thoſe who harboured and concealed deſerters to a fine.

Colonel Browne replied that law might do in England where families and people in the country had ſomething to be fined of; but here thoſe people who principally are the harbourers have no property, for if their cabins and all the furniture of them were diſtrained, they would not produce *fifteen pence*. The reſult of this ſhort debate was, that a committee (conſiſting chiefly of officers of the army) was appointed to draw up heads of a bill for the better preventing deſertion.

In purſuance of an order of the houſe, his Majeſty's letters patent, appointing the ſeparate boards of cuſtoms and exciſe, were laid before the houſe, as were alſo the king's letters to the Lord Lieutenant for that purpoſe. Mr. Ponſonby moved, that they might be read; and accordingly the clerk read the patent, appointing Sir William Oſborne, Sir Francis Bernard, *(the tyrant of New England)* John Monck Maſon,

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Maſon, Robert Waller, William Montgomery, to be commiſſioners of exciſe. As this patent conſiſted of no leſs than five ſkins of parchment, the houſe was pretty well tired before it was finiſhed; and the other patent and the letters were ordered to lie on the table, to be peruſed by the members; and then the houſe adjourned to Monday next.

Feb. 10. The houſe was this day chiefly employed on private bills. The only public buſineſs which came on was a motion made by Sir Edward Newenham.

That gentleman ſaid, the preſent parliament had already paſſed ſome acts which would be of great ſervice to the freedom and independency of parliament; principaliy the Octennial bill, and another bill was now in the houſe to regulate the election of members. It was therefore from ſuch a parliament that ſucceſs might be hoped for, in paſſing ſuch an act as was ſtill wanting, and that was relative to certain placemen ſitting in the houſe. A future parliament might be too venal and too corrupt to give any countenance to ſuch an act. Then it would be too late to propoſe it with any probability of ſucceſs. Now is the time. It is not to be thought that a man may not ſerve his king and his country both together. It would be unjuſt to ſay, that a place *always* renders the poſſeſſor dependant on government, but it is equally unjuſt to imagine it *never* does. It is not intended by this bill, that no placeman are to ſit in the houſe; it is only to limit them. The vice-treaſurer, the attorney and ſolicitor-generals, the officers of the army and navy may ſit there—but ſurely deputy-collectors, petty licenſers, and under clerks ought not to be permitted to ſit in the parliament houſe by thoſe members who would not ſit in their company in their reſpective offices? He concluded with moving, that leave might be given to bring in heads of a bill to preſerve the independency of parliaments, by limiting the number of placemen. This motion was agreed to, and Sir Edward Newenham, and Mr. Stuart, were appointed to bring in the ſaid bill, and then the houſe adjourned.

To be continued.

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The Joint Stool.



It is easily overturn'd.
Shakespeare.

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THE POLITICAL REGISTER,

For APRIL 1772.

NUMBER LXII.

To the Printer *of the* Political Regiſter.

SIR,

NOTHING has ſurprized me ſo much as the unmerited treatment of Mr. Sawbridge's motion, an aſſembly, improperly ſtyled popular, not having even deigned an anſwer, either to it, or to the ſpeeches made for ſeconding its laudable intentions. I think at leaſt the Miniſter, or one of his agents, ſhould have made this modeſt reply.

Mr. S———r,

"'Tis well known that ſo much money is wanting to pay the intereſt of the national debt; that ſo much is wanting to purchaſe the ſuffrages of both H— of P—; that much more would be wanting to bribe at elections in the caſe of annual or triennial p—; and that therefore in conſideration of theſe exigencies of ſtate, the people being already but too much burdened with taxations, it would be highly impolitic to admit of either annual or triennial p———.

"To what a paſs are we brought? What is become of our conſtitution to which we are made to believe the revolution gave conſiſtence, and which it ſolidly eſtabliſhed in perpetuity on a firm baſis? we find this conſtitution again tottering

under the auſpices of the ————, and we are reduced to deſperation, not able to entertain the moſt diſtant hope of redreſs.

Una ſalus victis, nullam ſperare ſalutem.

But to wave theſe diſagreeable ideas, let us enter into the ſpirit of government with Tacitus, and we may perhaps find ſomething applicable to our purpoſe. In the fourth book of his annals, he has this remarkable paſſage. "All nations and cities are governed by the people, by the chief men in the ſtate, or by one perſon; and out of theſe is made choice of and conſtituted a form of adminiſtration, which indeed is commendable, though probably it can have no actual exiſtence; or if it ſhould chance to ſhew itſelf to the world in that light, it cannot be laſting." This author was led, no doubt, into this reflection, from conſidering the perverſity, which but too often is ſo inherent to mankind, and ſo imperceptibly mingles itſelf with their very eſſence, that though a mind poſſeſſed with the ardors of modelling a ſyſtem, which in all reſpects is truly grand, noble, and highly deſerving of the obſervance of rational beings; yet muſt find itſelf fall ſhort of its aim, when the ſame is intended to be reduced to practice. Then it is, that it can be only denominated an exquiſitely delineated pourtrait, reſembling ſomething exiſting in the imagination, but by intervening accidents rendered incapable of admitting the lights and colours of reality. Plato's commonwealth has had its admirers, as well as the laws of Lycurgus, Solon and others, their obſervers; but the former afforded only an ideal ſatisfaction, and if it was poſſible to conform to the latter, the nature of man impatient of reſtraint, ſufficiently demonſtrates that the inſtitution could be but temporary; becauſe, though towers of policy ſhould be raiſed to the very clouds, yet ſudden guſts of unexpected accidents might tumble them into ruins, to the confuſion of their contrivers and builders; and this mutability in commonwealths is a reaſon, why politics will never arrive at perfection.

"The principal cauſe of ſetting aſide natural liberty to have recourſe to civil ſociety, was to procure a ſafeguard againſt the misfortunes that threaten man from man. This ſafeguard conſiſted in recommending the obſervance of certain laws, the infraction of which, according to the ſtipulated aſſent of the ſociety, was to be attended with puniſhments adequate to the deſerts of the delinquent, and the execution of theſe laws was committed to the authority of one who was ſtyled king, or to that of a few who aſſumed the title of nobles, or to that of many who were called the people,

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people, whence the distinctions of monarchical, aristocratical, and democratical governments.

Experience has shewn in regard to these three different forms of government, that the monarchical in the administration of a wicked man, degenerates into despotism, tyranny and oppression; that the aristocratical, is nearly allied to regal arbitrary sway; and that the democratical, though tending to the preservation of liberty, has often been involved in a wretched catastrophe from the dismal effects of anarchy and confusion.

"Tacitus has recorded of the Roman Emperor Trajan, that he was the first that mingled together princely power and liberty, things formerly unsociable and incompatible. Agreeable to this notion of mixt government, our Saxon ancestors wisely adopted a system, which, on one side was neither to dread the ills of arbitrary proceedings, nor on the other, the furious rage of inconsiderate populace. Holding a just medium between both, the force of their authoritative power became founded on the mutual consent of the subject and rulers; because all being supposed born to liberty, they could not reasonably be subordinate to others, unless by their consent. This consent Plato calls harmony and numbers; for as harmony is the result of different voices singing in tune, and as a sum or total, is made up of different numbers; so this consent of different men, all tending to compass the same salutary ends, must be consistent with harmonical proportion.

"It was to be so, according to the ideas of our Saxon ancestors, 'if, first, the magistrate had a due regard for the public utility.' For all love, and willingly adhere to that, from whence they see an advantage derive to them. And hence it is, that some philosophers have called a well regulated commonwealth a *rerum concordia discors*. Concord, when the magistrate and people conspire to promote the public utility. Discord, when the diversity of state, and contention between the magistrate and subject falls under consideration. This concord and discord nature exactly imitates. Nothing is so contrary as the elements to themselves, yet out of them the harmonical universe is composed; and as on the dissolution of these elements, it is not possible for the constituent parts of the universe to retain their former cohesion, so neither can the commonwealth remain intire, when this disagreeing concord is dislocated or rent asunder.

"The second manner for obtaining this consent they judged to be, 'If the governing power was conjoined with, and influenced by reason.' For it is natural to think, that

he who covets to have the will of others ſubject to him, ſhould firſt ſubject his own will to the dictates of reaſon. When the people obey the magiſtrate, who governs according to the preſcript of reaſon, they preſume that they obey reaſon, and by obeying reaſon, they are ſatisfied that they obey themſelves, becauſe they act with reaſon, or at leaſt flatter themſelves that they have attentively liſtened to its admonitions. It is therefore incumbent on the magiſtrate in order to procure this conſent and compliance to conform unreſervedly his own will and pleaſure to the moſt rational meaſures, and the moſt rational way of proceeding.

"The third manner for obtaining this conſent, they alſo judged ſhould be, 'If to all the members ſome part of the adminiſtration of the commonwealth was committed.' This ſeems to be the original baſis of our government and liberty. In virtue of this regulation of our Saxon anceſtors, none of us can complain of being excluded from participating in the management of our national affairs, as from the joint conſent of our three governing ſtates aſſembled together, and called the parliament, all matters relating to the good of the community, muſt be tranſacted and carried into execution. Theſe ſtates have been made in proceſs of time to conſiſt of the king, the lords ſpiritual and temporal, and the commons: Which laſt, are the repreſentatives of all the commons in the kingdom; and in them their conſtituents have placed their higheſt confidence, by inveſting them with the power of making laws, and by entruſting them with all their liberties and privileges; ſo that, our ſyſtem of government has not been improperly compared with ſome grand machine of the balance kind; the king and commons to counterpoiſe each other, and the lords endeavouring to obtain in both a juſt equilibrium.

"It may appear from this ſketch of government, which has been handed down to us from our Saxon anceſtors, in what a ſignal manner providence has helped us beyond other nations, by rooting ſo firmly in our hearts the love of order and liberty. The ſubjects of other kingdoms may groan under the frowns of arbitrary caprice; but we ſo long as we preſerve unaltered our conſtitution of government, may juſtly pride ourſelves in the valuable poſſeſſions of tranquility and opulence. It will be our own fault if we forfeit the depoſite of ſo great a treaſure. Ought we not therefore to uſe the utmoſt vigilance for its ſecurity? And ought we not even at the hazard of our lives and fortunes, to embrace all the opportunities, concert all the ſchemes, and enter into all the meaſures that may in any wiſe prove inſtrumental to make it permanent?

"It

" It has been always obſerved, that nothing has ſo much inhanced our national happineſs as a prudent choice of proper perſons to repreſent us in parliament. And indeed, a true repreſentative of the Britiſh nation ought to be endowed in an eminent degree with every good quality that can make him ſhine in the eyes of mankind. His education ſhould be of the beſt, that it might be preſumed he is intelligent in the laws, hiſtory, and uſages of his country; that he has ſtudied its real intereſt, and that he can both in word and deed ſhew himſelf a generous defender of the cauſe he has undertaken. Beſides theſe requiſites, he ſhould approve himſelf worthy of the choice out of his functions; by a ſtrict fidelity in his ſervices; by having a heart inacceſſible to the baſe arts of corruption, and a ſoul uninfluenced by the awe of power; by meriting applauſe from public ſpirited acts; by adhering to loyalty without ſervile meanneſs, and by loving liberty without running into faction.

" It has been judiciouſly obſerved by ſome ingenious authors, that notwithſtanding all the accurately concerted ſchemes of law and politics, enforced or recommended to the obſervance of men, very few are made better. An inveterate depravity ſo engroſſes the affections of the greater part, that they ſeldom give themſelves time to deliberate upon the intention of their actions. What is moſt prevalent with them is the example of others, perſons perhaps in power and highly eſteemed. Hence, the darling vice grows into habit, and they are eaſily, without any reluctance on their ſide, ſwept down the torrent. The diſorder therefore appearing remedileſs, it would be much conducive to the upright patriot's repoſe to ſeclude himſelf from all commerce with ill-deſigning men, to ſet aſide all concern for ſtate affairs, to inculcate no maxims of true policy, to harbour no ill opinion of the infractors of equitable laws, all pretending to be indemnified by authority, or ſeconded by example; in ſhort to ſuffer every individual to indulge his capricious humour, and live according to the dictates of his favorite folly.

" It may naturally be thought, that ſuch ſentiments are as a benevolent ſarcaſm upon mankind; the beſt method for procuring amendment being often to laugh perſons out of their vices, or ridicule them into virtue. But ſuppoſing them to be matter of fact, and that few intend to reap benefit from any proffered inſtruction, it is however preſumed that the excellency of the Engliſh conſtitution ſhould never be abſent from the minds of true Engliſhmen: Otherwiſe from ſlaves to their own paſſions, they muſt become ſlaves

to

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to the paſſions of others; they will forfeit their liberty, and in their turn make trial of the oppreſſion other nations are fallen under from a like miſconduct. Such was the downfal of the greateſt republic in the world, I mean the Roman, of which it will not be improper to recite here the principal circumſtances; and, I am ſorry to ſay we may on our own account trace a great ſimilarity in the portrait.

'Hæc a le non abludit imago.'

"The Roman ſenate was more than once inclined to oppreſs the people, and the people inclined to much violence againſt the ſenate; but on theſe occaſions they acted by a public principle; the people regarding the power of the ſenate, as a tyranny, which ruined freedom; and the ſenate, the liberty of the other, as an irregularity, which would end in confuſion. Men now began to ſeparate their private from the public intereſt. The bonds of ſociety before thought ſo agreeable, ſeemed then to be troubleſome chains, and every one growing uneaſy under the laws, had a mind to reſume his primitive right of diſpoſing of himſelf, and in this choice to follow the motions of his own will.

"The firſt diſguſts thus formed, it came to paſs that men left the republic to cultivate their own private intereſt, ſought new engagements in ſociety, and adhered to thoſe who might beſt gratify their paſſions. And what is very extraordinary, the corruptor remained a perſon of credit in the opinion of the corrupted, and acted more nobly than thoſe who oppoſed the corruption. Eſteem, and the honeſt inclination for men of virtue, ſeemed ridiculous to ſuch as reſolved to conſider nothing but themſelves. Honour began to paſs for a phantom, glory for a vanity, and every one baſely purſued his private intereſt, while he imagined he ſhewed his good ſenſe and judgment by ſo doing. But this genius of intereſt which ſucceeded to that of honour, acted differently among the Romans, according to the difference of tempers. They who were actuated by magnanimity, ſtrove to acquire power; inferior ſouls contented themſelves with heaping up riches all manner of ways.

"As they did not ſuddenly fall into abſolute corruption, there was a gentle ſliding from honour to intereſt, and both ſubſcribed in the republic, but with a view to different objects. A ſhew of honour was preſerved in ſome particular actions, and nothing but open infamy in others. A general corruption reigned at Rome in matters relating to the citizens; integrity became every day more rare, juſtice was in a manner baniſhed; and the deſire of making a fortune was grown into the ſtrongeſt paſſion. Nothing was more unjuſt than the judgments paſſed by

ly the ſenators, nothing ſo abominable as their avarice. By their authority, and by other wicked methods, they continually robbed the people of their ſmall poſſeſſions; and theſe repeated injuries muſt have alienated their hearts, but without yet entertaining any ill intentions, they ſuffered this tyranny with grief, and being really more wretched than ſeditious, they expected, rather than ſought after deliverance from this their diſtreſſed ſituation.

"Things now came to their criſis! the ſenators fell out among themſelves about power, and when the ſtate had been almoſt rent by civil wars, the conqueror deprived all indiſcriminately of liberty.

"Soon after were ſtudied the myſteries of the cabinet, and with them was hatched that abſurd doctrine of the intereſt of a prince, as it is ſeparate from the intereſt of the ſtate, and generally runs counter to the public good. Judgment, capacity, and ſecrecy, were changed into craft, artifice, and diſſimulation. Good and ill actions were no longer known as ſuch; every thing was interpreted according to the nice intention of the prince, or was judged of by the malice of curious ſpeculation. Complaints, which in all ages of the world have been allowed to the unfortunate for the relief of their miſeries: tears, thoſe natural expreſſions of our grief; and ſighs, which ſlip from us in ſpite of our will; even looks, at length, became fatal. Plain, undiſguiſed ſpeech was thought to cover evil deſigns; the diſcretion of ſilence to conceal miſchievous intentions. To ſpeak, to be ſilent, to rejoice, to be afflicted, to be fearful, or undaunted, all was criminal, and very often incurred the moſt rigorous puniſhments.

"Thus it was that this noble people, from taſting the ſweets of the beſt regulated liberty, fell into the ſnare of the worſt tyranny and oppreſſion. And, indeed, the like calamities muſt wait all other nations, when in contempt of the moſt ſacred laws of conſcience, honour, and juſtice, they prize more the ſiniſter arts of life, than the beauty of order and integrity."

To the Printer of the POLITICAL REGISTER.

SIR,

As a conſtant reader of your Regiſter, I gladly embrace the opportunity of here making you a communication of the contents of a private letter I lately peruſed from Penſylvania. You may conſider it as an anecdote of a pretty ſingular nature; yet, among the heart-burnings and jealouſies of our other colonies, characteriſtic of the mild and pacific diſpo-

poſitions

poſition of the Penſylvanians, and the degree of liberty and tranquility each citizen enjoys in that province.

A Woman of a certain age is taken ill, and ſoon apprehends her life to be in danger. The thoughts of her children, all of them ſtill young, fill her with diſtreſs in her laſt moments. She calls her huſband to her, and expreſſes with great anguiſh to him her fears, leſt the new wife he is likely to take, may ill uſe her children. She beſeeches him with all imaginable earneſtneſs to marry Ruth, a ſtout luſty young woman, and faithful ſervant, who had always behaved with affection to them. The huſband at firſt conſiders this ſpeech as the effect of a delirium brought on by his wife's fever; but ſhe declaring that ſhe ſpake to him from the feelings of her heart, and ardently deſired his conſent, as to the laſt requeſt ſhe had to make; he replied, that it ſhould be as ſhe wiſhed, yet hoped he would not loſe ſo good and affectionate a wife. Not content with this aſſurance, ſhe requires of him a ſolemn and peremptory affirmation to marry Ruth, which he alſo was complaiſant enough to comply with. The next day ſome diffidence occurring to her mind that her huſband would not perform his promiſe, ſhe again calls him to her bed-ſide with Ruth, tells her that ſhe is going to marry her with a man ſhe ſhall ſoon leave a widower, and exhorts her to love him faithfully, and beſtow all her cares on her children, and the good management of the family concerns. Ruth in tears promiſes every thing ſhe deſires; the dying wife joins them herſelf in holy matrimony, receives their proteſtations and engagements, and compels them by this ſanction of contract to fix the marriage by a tye indiſſoluble. In the mean time the patient grew better, and at length recovered; but the huſband, who became very fond of his new wife, declared to the old one he would not part with her; and that, as ſhe had obliged him to marry her, he would take care of her all his life. Far from taking the leaſt umbrage, the old one was extremely well pleaſed, embraced her huſband, and gave marks of her ſatisfaction in as great a degree as he could poſſibly require. Never did the leaſt ſtorm diſturb the peace and union of this double domeſtic care. The young wife has had ſeveral children, of which the old one takes as much care, as of her own. She, on her ſide, has not ceaſed to entertain, for her benefactreſs, all her former ſentiments of reſpect and cordial affection. The days of the Bigamiſt riſe and ſink in perfect compoſure, and not one of the Penſylvanian friends has expreſſed a word of any ſcandal given on the occaſion.

Againſt

Thoughts on Regularity, Exactneſs, and Punctuality.

REGULARITY, exactneſs, and punctuality, reſemble ſome of thoſe little obſcure trades, which are exerciſed with great fatigue, yet by their emolumental produce are hardly capable of ſupporting life. A patriotic act or ſpeech has oftentimes been the occaſion among us, of extolling an otherwiſe worthleſs fellow to the ſkies; one only warlike exploit may be ſometimes ſufficient to make a man's valour known, and to raiſe him to the firſt poſts of honour; ſome actions of liberality may introduce another into popular favour, and enhance to a great degree his reputation for beneficence; but regularity, exactneſs, and punctuality neither raiſe nor enrich any; and felt love is never ſo ſtraitened as when it finds itſelf in perſons, poſſeſſed only of theſe virtues, becauſe having, as it generally has, vaſt pretenſions, it can then form only little deſigns.

But if theſe virtues ſhew no luſtre when unaccompanied with others, and confined to ſubjects very little remarkable, they change condition and become conſiderable when joined to great virtues, and when met with in the perſons of princes and miniſters. For what can be finer than to ſee a man of honour, of faith, and of probity, very regular in acquitting himſelf of all the duties of civil life, and very exact and very punctual in accompliſhing all his words? Is there any thing more eſtimable than the regularity, exactneſs, and punctuality of a prince or miniſter of ſtate, who forgetful of their elevated ſtation, ſubject themſelves to all the laws of cuſtom like men of the loweſt claſs, and who, notwithſtanding their continual occupations and multiplicity of affairs that divide their attention, perform always, and in regard to all ſorts of perſons, whatever they have promiſed.

The ſplendour that reflects on theſe virtues, when in conjunction with others of a ſuperior caſt, and the advantageous light they appear in amidſt the magnificence of illuſtrious perſonages, does not hinder, however, their being falſe, when they who are ſo exact and punctual, are only ſo for the love of themſelves, and in order to oblige others by their example to be wanting in nothing in the reſpect they imagine due to them. We may be perſuaded of this for two reaſons. The firſt, that they always ſet forth their punctuality, declaring how exact they are to the appointed hour, how they have forgot none of the circumſtances of the affair they were charged with, and a variety of other particulars. The ſecond, that they cannot bear with the leaſt fault committed againſt punctuality and exactneſs in things they have recommended, and therefore ſeverely cenſure and reprimand thoſe who have failed.

The punctuality and exactneſs of perſons of the firſt rank and in great employments, proceed, from their obſerving that theſe virtues, which uſually ſtrike not the eye, being in themſelves as in an eminent place, are perceptible by all, and the more eſteemed, as rarely found in perſons who have no occaſion for others, and who otherwiſe are burdened by buſineſs. They alſo adopt exactneſs and punctuality much with the ſame view, as ſome handſome women, who from an extreme deſire of pleaſeing, are induſtious in adorning themſelves with ſome pretty trifle, ſome ſtriking whim, whoſeforce they well know and are aſſured of. But the perſon of real integrity fulfils all the duties of civil life, with the view to the good of his neighbour; and this benevolent conſideration does not ſuffer him to be wanting in the leaſt reſpect, which ſeems requiſite to perfect in him this regular, exact, and punctual conduct.

Singularity of the Dreams of the Hurons, a people of North America, extracted from the 'Voyageur Francois,' lately publiſhed at Paris, by M. L'Abbe de la Porte.

DREAMS, ſays, this author, form an eſſential point of the politics and religions of the Hurons. They place an implicit confidence in them. On the eve of a day of battle, they do not fail to recollect their dreams and to interpret them. They who have had bad dreams, withdraw, none blaming them for ſo doing. This ſuperſtitious prejudice is very convenient to cowards, and is often ſo much indulged, that their whole band of fighting men very often diſperſe. 'Tis not the dreamer only that ſatisfies the obligations he imagines to be impoſed on him, it would be a crime to refuſe him what he deſires in his dream. A Huron having obſerved, ſays our author, that a Frenchman had a better blanket to his bed than his own, aſked him for it in virtue of his dream. The Frenchman delivered it to him directly, ſure of having his revenge. In a few days after, paying him a viſit, and ſeeing him in a fine fur, he pretended he had dreamed of it, and the Huron unaſked gave it to him. This alternative of dreams laſted for ſome time, but the Huron firſt tired of it, as finding himſelf the greateſt loſer, made the Frenchman promiſe him they ſhould dream no more of any thing belonging to each other.—But the following inſtance of this their extravagance in dreaming is ſtill more extraordinary.

A Huron having dreamed that the happineſs of his life depended on the poſſeſſion of a woman married to one of the moſt conſiderable of the Hamlet, made a demand of her. The huſband and wife lived in perfect union, and their ſeparation was a ſenſible affliction to both. However, not daring to refuſe him, they

they parted. The deſerted huſband entered into a new engagement, to take away all ſuſpicion that he ſtill had any thoughts of his firſt wife.

Againſt Luxury. An Eſſay.

Sævior armis
Luxuria incubuit, victumque ulciſcitur orbem.
JUVEN.

THERE is no paradox in political morality but ſome famous authors have endeavoured to improve into ſome degree of credit, by preſenting it under a ſpacious point of view.

Even in our days ſome writers of diſtinction have advanced, notwithſtanding the remonſtrances of reaſon and experience, that luxury contributes to the ſplendor of ſtates, and is their ſupport.

This opinion has been already refuted; ſo that without here entering into long and argumentative diſcuſſions, I ſhall only offer ſome reflections on the ſubject.

To ſilence thoſe who will not allow luxury to be baniſhed from a well policed government, it is enough to give a proper diſinition of it.—What then is luxury? "it is a ſuperfluous expence, an exceſſive ſumptuouſneſs, extending to whatever may flatter our taſte, our delicacy, and our pride."—This diſinition is exact.---What man, a friend to the public once admitting it, will become the panegyriſt of luxury?

Can it be denied that a ſtate, wherein two-thirds and a half of the citizens live in extreme wretchedneſs to pamper the oſtentatious pride of a ſmall number of men, called happy, is not at the eve of its fall? Such is the image of every monarchy and every republic, where luxury becomes the predominant paſſion.

Luxury, it is ſaid, maintains manufactures, cauſes commerce to flouriſh, and thus becomes a neceſſary reſource for the people of our cities. This I grant, but I anſwer with Rouſſeau, that "luxury feeds a hundred poor in our cities, and deſtroys a hundred thouſand in our country villages."

Let us only viſit ſome of our commercial towns and cities: in them will be found an innumerable populace, who, to live in indigence, have deſerted the fatal fields that gave them birth. In what then are this multitude of wretches buſied? from the riſing to the ſetting of the ſun, their labour and their ſweat are employed in fabricating ſome of the vaineſt and moſt futile ornaments of opulence.

Ye, who preſent to my admiration thoſe pearls of the fineſt water, and thoſe diamonds that adorn the heads and necks of our ladies, what an infinite number do you think of your like have

been sacrificed to haughty luxury, by penetrating through a thousand dangers to the depths of the sea, and into the bowels of the earth, in quest of these precious nothings?

The queens of Persia distinguished themselves by an extraordinary magnificence in their cloaths. We read that they had provinces assigned them for furnishing the various implements of their dress. One of the provinces of the empire, was called the queen's girdle; another her head-dress; another, her bracelets. How many, more than Persian queens, have we now in the world, who not content with the produce of their own country, would have both Indies ransacked for superfluous ornaments.

When therefore will that sex, which by external shew seems so much to affect the empire of beauty, think of making it to consist in virtues, its only ornaments, and not in the pompous display of gold, silver and brilliant gems, which have nothing better than vain opinion to enhance their value?

Would you know, says Seneca, "Whether there be any disorder in the constitution of a city or state? see if luxury reigns in it."—I shall add to this thought, by desiring an enquiry to be made, whether all conditions are confounded in it; whether we can no more distinguish the tradesman from the man of quality; the lady from her tire-woman; whether we do not meet with a general depravity in all the members of the body-politic; whether all hearts seem not emasculated by excesses and delicacies of all kinds; whether the lawyer cannot treat you with the magnificence of a duke; whether a courtier, by being in place half a year cannot give a truly royal banquet; whether noble lords, infatuated by a passion for gaming, do not ruin their posterity to the sixth generation; and whether military officers do not degrade themselves by seeking a life of voluptuous indolence, such even as a women would be ashamed of?

Deplorable is the state that should know itself in this picture, or that knowing itself, should not be sensible of the danger it is in!

Unhappy will be the people, who are captivated with the love of conquests, because luxury and the corruption of manners, the necessary consequences of that passion, will not fail to obtain an easy admission among them! still more unhappy will they be, if having great interests and concerns to decide, they have none but a soldiery enervated by effeminate luxury to oppose to a fierce and hardy enemy! Did luxury triumph, when the contest for the empire of the world was to be decided in the plains of Pharsalia?

"Every

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" Every uſe of riches that hurts a better uſe, is luxury. —This is a good principle and may be that of ſound moraliſts; and I believe the partizans of ſuperfluity will allow, that the uſe of riches which hurts a better uſe, is not the more adviſeable; and if it hurts a juſt thing, it is diſhoneſt; and if a neceſſary thing, it is extravagant.

" Every uſe of riches that contributes to the comforts and conveniences of life is good."——I admit arts and ſciences; I love muſic, and the manly ſenſe of theatrical exhibitions: But permit me to ſay, that " Every uſe of riches, which hurts my health or my virtue, is bad;" and this bad uſe is real luxury.

I will not aver, that it is a better act to have an apartment gilt, than to give charity. Here I may appeal to the heart, believing that compaſſion is a natural ſentiment, and a want of the ſoul, and that gilding is only a taſte. Now, it is better to gratify a ſentiment of the ſoul than a taſte, and if I give the preference to the latter, I am in the wrong, becauſe my neighbour has reaſon to complain if he ſuffers by it.

I ſhall always be againſt the enemies of arts, becauſe arts by procuring conveniences procure alſo pleaſure, which is a real good for an honeſt man in this world: Still would I not approve the ſacrificing of every thing to pleaſure. Happineſs is not poſitively any pleaſure, at leaſt that which is not entirely rational: Nature has not given us the meaſure of ſtrength which is neceſſary for a lively and continued pleaſure; our organs are tired. and it is this laſſitude that may be called ſatiety, as well for the mind as for the ſtomach. Who will ſay that luxury does not lead to ſatiety?

I think that a great ſtate is preferable to a ſmall one, when it is well governed; and that the ſovereign, whoſe ſubjects have more reſources of wealth, may be happier than another: Yet, the more opulent ſovereign ſhould direct the minds of his ſubjects toward uſeful expences, and not towards luxury; all the officers of his ſtate ſhould be reſtrained within decent neceſſaries, and thoſe particularly among them ſhould be prohibited oſtentation, whoſe more immediate care it may be to be vigilant in concerting means for procuring the relief of the people. If their luxury is not vicious, and deſerving the princes animadverſion, all ideas are changed, there is no more morality.

All the queſtions on luxury, may therefore be reduced to this one:—" What is the employment of riches which is called luxury?"—It is their abuſe, and this abuſe may ſometimes extend to ſuperfluity, an exceſs in a private perſon

perſon, and a real calamity in a ſtate; ſo that every employment of riches, is not the uſe of riches; neither in the main is every ſuperfluity an abuſe. Morality and politics will, I dare ſay, ſubſcribe to theſe truths.

To the Printer of the POLITICAL REGISTER.

SIR,

YOU have here an account of a Tract lately publiſhed in Holland, which may not be unintereſting to many of your Readers. It is written by M. de Haren on the conduct of the Dutch at Japan. He indeavours to juſtify them from the ſeveral reproaches and accuſations laid to their charge, concerning the baſe and unchriſtan manner they are ſuppoſed to have adopted for ruining the commerce of the Portugueze and eſtabliſhing their own in that country; and he ſhews that they only availed themſelves of circumſtances, and ſometimes had recourſe to repriſals againſt a nation with whom they were at war. But he does not touch upon their ſupplanting the Engliſh by the ſame infamous ſtratagem.

The queſton he examines, and which has been variouſly agitated, is, "whether the Japoneſe require the Jeſumi of the Dutch, and whether they comply with that teſt. The ceremony called the Jeſumi is performed at Japan in thoſe parts were there are any ſuſpected Chriſtans. Commiſſioners with a liſt of the names of the inhabitants of all ſexes and ages, viſit ſucceſsively every houſe with two Images, one repreſenting a crucifix, and the other the virgin Mary or any other ſaint. They aſſemble into a room all the inhabitants of the houſe and oblige them one after another to trample upon theſe images. Even children are not exempted. Their mother, or nurſe lead them along, place their feet, and hold them up by the arms. M. de Haren aſſures us, that no ſuch teſt in deteſtation of Chriſtanity, was ever exacted from the ſervants of the Dutch Eaſt India Company, nor were they ever eye witneſſes but once of that ceremony, and this was occaſioned in conſequence of a fact recorded in the regiſters of the factory of Naugazaqui.

In 1704, the governor ſummoned before him the chief of the Dutch factory in order to proceed to the examination of ſix ſtrangers, who had been laid under an arreſt, and whoſe language was not underſtood. Two of them proved to be Hollanders; one, a Flemming; two Scotſmen; and one an Engliſhman. They had been made priſoners by the Spaniards, and having eſcaped in a boat, were driven by chance on the coaſt of Japan. One of them ſaid he was a

Proteſtant

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Proteſtant, and the reſt obſerving the ſatisfaction this account gave the Dutch, did not heſitate to declare themſelves of the ſame religion, The Japoneſe who had made an exact inventory of their effects, were uneaſy on finding a Catholic prayer book amongſt them. The owner of the book pleaded an excuſe which was admitted. However the governor having them ſearched again, a ſtring of beads with a medal at the end repreſenting a ſaint, was found, to the great conſternation of the Japoneſe council, in the pocket of one of the two Hollanders. This circumſtance, equally alarming to the Dutch Factory, drew bitter reproaches from the Japoneſe on this man for not having made a diſcovery of his beads on examination; but he, without being in the leaſt diſconcerted, anſwered only that he did not believe ſuch a trifle was worth mentioning, becauſe indeed it was not properly a ſet of beads, many of the grains being wanting; and happily for him, he ſhewed that he had made uſe of ſome of them as buttons to his waiſtcoat, where in fact there appeared three or four, which greatly appeaſed the Japoneſe.

Theſe priſoners had a journal among their effects, which belonged to one of the Hollanders. Being delivered to the Heads of the Factory to give an account of it, they diſcovered by it that this Hollander was a zealous Catholick, and that he prided himſelf in having converted two perſons to that religion. All of them would have met with inevitable deſtruction, if they had made a declaration of what they had diſcovered. They contented themſelves with ſaying, that none of the ſix was a Prieſt; that one of the Hollanders had deſerted from Batavia, and that they claimed him to be ſent back there and puniſhed. The Japoneſe Govenor did not confine himſelf to this examination: He made a long recital of the perſecutions the Catholicks had ſuffered, and of their reſolutions to die rather than commit a ſacrilege. Afterwards he orderd to be brought in the images that ſerved for the Jeſumi-teſt, and told the priſoners they were to ſpit upon them with contempt, and trample on them in an indignant manner. They all did as they were deſired, and being diſmiſſed, were commanded on their peril to quit the country on board Dutch ſhips and no other. In the mean time they were put again under an arreſt and a hut of wood was built for them in which they were guarded by an armed band. This hut was burnt as ſoon as they had left it, but every night during their journey, they found a new one which was alſo burnt the next day,

The

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The reſult of M. de Harens reſearches is, that the Dutch more dextrous and more prudent than the Portugueze, never concerned themſelves about the political affairs of the Empire of Japan, and availed themſelves of circumſtances for gaining there a ſettlement. They have ever ſince, he ſays maintained themſelves there alſo by the ſame prudential conduct, and by a ſubmiſſion to the laws, which forbid the preaching up of any religion contrary to the worſhip authorized and followed in that empire.

Parliamentary Proceedings in Ireland, continued from page 201, *of our laſt number.*

Feb. 11, 1772.

MR. Cramer mentioned, that notwithſtanding promiſe had been made that no penſions ſhould be added to the liſt, yet ſeveral penſions had been ordered ſince October laſt, and made to commence, ſome in January 1770, and ſome in January, 1771.

Sir George Macartney replied, he ſuppoſed the honourable gentleman had been copying ſome coffee-houſe liſt, but that it was very common to antedate the commencement of the penſions, ſeveral months prior to the date of the King's letters to ſuch perſons as merited ſuch favour.

The Houſe then reſolved itſelf into a commitee, (Major Sir John Jefferies in the chair) on the heads of a bill for regulating Maſons, Carpenters, Painters, &c. and preventing combinations of the journeymen. The Bill being agreed to by the Houſe, Major Jefferies was ordered to wait upon the Lord Lieutenant with the ſaid bill. The Houſe was then called over, and the defaulters ordered to be called over again on Monday next, and thoſe who were not then preſent to be taken into cuſtody of the ſerjeant at arms.

Mr. Barry Barry moved, that a liſt of the Penſions granted ſince January 1, 1771, ſhould be laid before the Houſe. This was agreed to.

Mr Flood moved to have the Patent for the New Commiſſioners of Exciſe read to the Houſe, which was done. Mr. Maſon ſaid he thought there was ſomething very particular in deſiring the Exciſe Patent to be repeatedly read, and no notice taken of the Patent for the Cuſtom houſe Board. He therefore moved that it might be read alſo; which being agreed to, it was read accordingly.

Mr. Cramer then moved that the former Patent for the laſt Revenue-board might be read, to ſee the extent of the powers in the different Patents, this was complied with.

Mr.

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Mr. Flood moved that the reſolutions formerly agreed to, relative to the new Boards might be read, which was done.

Mr. Solicitor General moved that the Lord Lieutenant's anſwer, when the reſolution was laid before him, might be read, which was alſo agreed to.

Mr. Flood then aroſe, and ſaid, "he did not at preſent intend to enter into a diſcuſſion of the propriety or impropriety of the meaſure, that had been already fully and ſufficiently defeated; but the queſtion then properly before the Houſe, was, how they ſhould vindicate the honour of that houſe, aſſert its rights, and ſhew a proper reſentment for the contumely and inſult with which it was loaded. The advice of the Houſe of Commons, expreſſed in a reſolution, and laid ſolemnly before the repreſentative of Majeſty, was, that, ſeven Commiſſioners had been found ſufficient for the buſineſs of the Revenue.—Was not this an implication, that more then ſeven would be more than ſufficient; and was not this ſhewing the ſenſe of the Houſe to be againſt this meaſure, as unneceſſary and burthenſome? Yet the reſolution of the Houſe had been mocked at, their advice ſlighted and the meaſure caried into execution, in expreſs contradiction to the Commons of Ireland. Was it not eaſy to perceive that the intention of the Miniſtry was not only to throw contempt upon the Houſe, but even to make the people out of love with Parliament. The Commons are to give their advice, or not; they are to interpoſe when any ruinous or deſtructive meaſure is on foot, or not to interpoſe. If they are not adviſe, nor to interpoſe then they are uſeleſs; they are only a mere mockery of Parliament. But if they adviſe, if they interpoſe, and they are then ſet at naught, what muſt people think of the dignity and utility of Parliaments, when they behold their advice and interpoſition ſerves only to bring down upon them, and to confirm the very evils which they deprecate. And people will ſoon grow out of love with Parliaments, when they ſee they are made uſe of as a ſword to wound, not as a ſhield to protect them." He then moved the Houſe to reſolve, that this Houſe will diſallow any expences, or contingent charges, or ſalaries which may be incured by dividing the commiſſioners of exciſe from the commiſſioners of cuſtoms. and increaſing the number of Commiſſioners, contrary to the adviſe of this Houſe ſhewn in the reſolutions which had been then read.

Mr. Maſon (one of the new Commiſſioners) began with complaining that "on this occaſion he had been pointed out as a peculiar object of obloquy, both within doors, and to the public without doors, as if he had been particularly

culpable. Why (ſaid he) is the Patent of Exciſe particularly animadverted on, and not put on the footing of that of the Cuſtoms? Why is complaint made that the Board of Exciſe is taken from the Board of Cuſtoms, and not that the Board of Cuſtoms, taken from that of Exciſe? When the reſolution was made, that ſeven commiſſioners *had been* found ſufficient, it is plain that regarded only times paſt, not the preſent time. *Seven* might have been a ſufficient number in the year 1758, and yet not be ſufficient now; therefore that reſolution was only declarative of what *had been*, and not of what *was*, and as it had been made a handle on the preſent occaſion he looked upon it as a diſgrace to the Houſe."

Lord Kildare, jealous of the honour of Parliament, and with an honeſt ſpirit of patriotiſm, which ſo eminently diſtinguiſhes that young nobleman, and worthy repreſentative of Dublin, took fire at this expreſſion, and called Mr. Maſon to order. Mr. Maſon ſtrove to extenuate the harſhneſs of the expreſſion and then went on thus:

"The diſtreſſes of this nation have been frequently mentioned in this houſe, and painted in very affecting colours. If this nation, is diſtreſſed, can any thing be more agreeable to true policy and tenderneſs in government, than to ſtrive to relieve that diſtreſs, by a proper collection of the eſtabliſhed revenues, rather than burthen the publick with new taxes. It is notorious that all has not been made of the revenues which might have been made; and his Majeſty wiſely thought that the beſt reſource was by this meaſure to regulate the mode of collecting the revenues, that the whole of its produce might be brought into the Treaſury, and fully applied to the exigencies of government.—Gentlemen talk of the great increaſe of expence this meaſure will introduce, but they forget ſurely that all the expences of collecting and managing the exciſe and cuſtoms muſt be taken from the produce of the revenues and not from any appropriated fund."

Mr. Cramer replied, that "even allowing the whole of the Gentlemen's argument, it proved nothing; for, if the charge of collecting the revenue was thus enormouſly encreaſed, yet, though that charge was taken from the produce of the revenue, the neat remains would be thereby proportionably leſſened."

Sir Edward Newnham ſpoke next. He ſaid "from an experience of twelve years in the revenue, he averred that five commiſſioners only were ſufficient to do even more buſineſs than they have ever yet had to do.—That he looked upon this meaſure to be adopted only with the intention of procuring an undue influence by the multiplication of offices,

and

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and consequently of dependants on the will of the ministry. That for that reason, he should always be against it, and hoped every gentlemen there would join with him. That as several members had offended their constituents by their parliamentary conduct, now was the time to regain their affection, by opposing this measure, and thereby demonstrating that any former offence they might have given, arose only from error and mistake, not from principle."

Mr. Flood was then called upon to know whether the resolution he had proposed stood singly, or was only preparative to some other which where to follow. He replied, that for his part, he had no other motion to make, nor did he know of any other. Counsellor Hellen in a very long speech, spoke to the legality of the measure, and that therein, the King had done nothing but what he was empowered to do by several Acts of Parliament; but did not touch in the least on the propriety or expediency of it.

Mr. Lodge Morris replied, "that many things might be strictly and literally legal, which were nevertheless very inexpedient and highly improper. The Crown in the first instance, from ignorance, or misinformation of the real state of this nation, might in this measure intend well. But whoever advised it to be carried into execution was highly criminal, since it was concluded not only without asking the advice of this house, but even contrary to the solemn advice it had given."

Mr. Prime Serjeant urged, "that this resolution was not only improper, but even illegal, as it was contrary to express Acts of Parliament, which orders the chief governor and the commissioners to pay all officers salaries out of the revenues."—And the several clauses respecting them were read to the house.

Mr. Ogle spoke very forcibly against the measure. He said, "that in this case, there was a great resemblance to several felons, who by taking care to skulk behind the strict letter of the law, did not care what wickedness they committed, if they could by a flaw in an indictment or any law quirk escape with impunity. That he was not afraid to declare, that whoever it was that advised this measure, he was an enemy to the king, and a traitor to this kingdom. That we had here men who were ministers, indeed, but he was sure they were not ministers of grace."

Mr. Flood rose again, and told the house, that since he found his motion laboured under some difficulties, he would withdraw it, and in its place would substitute another, which

he could not conceive was liable to any objection. He then moved the Houſe to come to this reſolution.

"Reſolved, that this Houſe will make no alterations in the revenue laws, which ſhall tend to give effect to the dividing the board of Exciſe from the board of Cuſtoms, and the multiplying of commiſſioners, contradictory to the advice of this Houſe, ſhewn in the reſolution which had been then read."

Mr. Malone ſaid, this reſolution was very nugatory; for, if a negative ſhould be put upon it, it would then imply that this Houſe would make alterations in the Revenue Laws, that ſhould tend to give ſuch effect."

Mr. Flood then amended his motion thus:—"That this Houſe will refuſe their conſent to any law that ſhall tend, &c.

While this amendment was inſerting in the motion, the miniſterial cabal were whiſpering together; and Mr. Maſon having got his cue, moved to amend the reſolution, by inſerting between the word law and the word that, theſe words, However beneficial they may appear to the public ſervice. He then owned, that this amendment would throw abſurdity on the whole reſolution, and that if it was carried, he intended a further amendment, by omiting all the remainder of the reſolution.

This low chicane, this infamous method of deſtroying a reſolution, by a contradictory amendment did not eſcape the ſevere and ſpirited animadverſions of Mr. Ogle.—Mr. Maſon replied with ſome warmth, and was as warmly anſwered by Mr. Ogle. Mr. Flood ſpoke very forcibly againſt the amendment.—Mr. Malone ſaid, "that the worſt that could be ſaid, was that the crown had not followed the advice the Houſe had given: that there was no obligation on the crown always to follow ſuch advice as might be given. That the crown had by the conſtitution a negative voice in every bill brought for the Royal Aſſent;—that when the Royal Aſſent is refuſed; it is certainly going againſt the advice of both lords and commons, expreſſed by the bill which is preſented. That this had been done; and that the commons have refuſed their aſſent to bills ſent down from the lords, and the lords have done the ſame by bills ſent up from the commons; in every one of which inſtances there was an acting againſt advice ſolemnly given."

Mr. Flood replied to Mr. Malone; and then Mr. Conolly roſe, and ſaid, "that though he ſhould ever oppoſe the creation of new offices, and the increaſe of national expence, yet, as the appointments were now made, he was of opinion they ought

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ought to be provided for. But that he ſhould be very glad that all commiſſioners of exciſe and cuſtoms ſhould be made incapable of ſitting in the houſe, as they are in Great Britain.

Mr. Scott "hoped gentlemen would not ſuffer themſelves to be captivated with the eloquence of the gentlemen, who moved for this reſolution, but rather would conſider the advice than the abilities of the adviſer."

Mr. Barry Barry ſaid, "that the advice of this houſe was held ſo ſacred in the affair of the augmentation bill, that royal prerogative gave way to it."

Sir Thomas Butler ſpoke againſt the motion; he urged "that the meaſures ſo much condemned, would be found very ſalutary, and have good effects, that it would encreaſe the revenue ſo much, that he dared to anſwer the commiſſioners would readily forego their ſalaries, to have ſecured to them only the half of the encreaſed revenue in conſequence of this meaſure."

Mr. Ponſonby declared, "that he was of a contrary opinion; was very confident this new meaſure would be attended with an additional expence, which would prove greater than could be borne."

Mr. Fitzgibbons ſpoke for the reſolution, and Sir George Macartney againſt it: and that the preſent inferior officers were not ſufficiently numerous to collect the revenue as it ought to be collected.

Mr. Ponſonby denied this aſſertion, and declared there is no need of an increaſe---Mr. Le Hunt ſpoke next in favour the motion, and Sir George Macartney aſſerted, that the exports of this laſt year had exceeded thoſe of the preceding, to the amount of 400,000l. therefore more officers were wanting. Mr. Rowley ſpoke againſt the amendment; after which Mr. Flood and Sir George Macartney, had ſome ſarcaſtic altercations with each other, which were put an end to, by ſome humorous expreſſions of Mr. Scott, and then the queſtion being put, for receiving Mr. Maſon's amendment, and the Houſe dividing---there were told,

For the amendment,	107
Againſt the Amendment,	117
Majority	10

The Provoſt then aroſe, and propoſed to poſtpone the deciſion of the main queſtion, and colonel Burton oppoſed him, and urged it to be put directly, and it being put, the Houſe divided, and there were told.

For the Reſolution,	119
Againſt it,	107
Majority	12

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It was now paſt ten o'clock at night; and the debate had continued near eight hours without intermiſſion; yet late as it then was, Mr. Barry Barry roſe to make a motion: he ſaid, "It had been the conſtant cuſtom of parliaments to inflict puniſhments on their own members when they had offended the Houſe; and that puniſhment was, either ſuſpenſion, confinement, or expulſion." (He then read ſeveral precedents out of the journals of the houſe.) "That for his part, whenever the dignity of the houſe demanded to be aſſerted, he ſhould ever be ready to ſtand forth to defend it, and puniſh every inſult upon it; but at the ſame time he ſhould ever incline to lenity, and wiſh to puniſh in the moſt merciful manner: at preſent the conſequence of the houſe ought to be maintained, ſome of its members had been guilty of an high miſdemeanor, in contempt of the houſe, and for example to others, ought not to go unpuniſhed; he would therefore move the houſe, that ſuch members of the houſe who have accepted commiſſions at the new board of exciſe, contrary to the ſolemn reſolution of the houſe againſt that meaſure, may, for ſuch contempt be ſuſpended from ſitting in this houſe during the time they ſhall act under ſuch commiſſions.

L. Kildare deſired that the members meant in this motion (Sir William Oſborne, Mr. Maſon, Mr. Waller, and Mr. Montgomery,) might withdraw while the debate continued. This was ſtrongly oppoſed by the Prime Serjeant, who ſpoke to order. "He ſaid, that when any member of that houſe was accuſed of any crime or miſdemeanor, it was the conſtant practice for him to have notice of it from the member, who moved againſt him, that on ſuch a day, he would move the houſe againſt him, that he might have time to prepare for his defence; as the moſt innocent perſon could not always be ready to defend himſelf at a moment's warning againſt a concerted attack.

Lord Kildare replied to Mr. Prime Serjeant, and colonel Burton ſaid, he thought ſome diſtinction ought to be made between thoſe who were abſolutely new commiſſioners, and thoſe who being in the former commiſſions, were continued in this. There was one gentleman (Sir William Oſborne) who could not be ſaid to be any way culpable; and he thought the indignation of the houſe ſhould be rather directed againſt the adviſers of this meaſure, than thoſe who had accepted the places.

Colonel Brown roſe up to tell a ſtory, when a great army of the Ruſſians attacked the king of Pruſſia, they were beat, but the Pruſſian monarch, not content with one victory, followed the routed Ruſſians, and attempted another, but met with a ſound thraſhing.

Mr. Flood ſaid, that he did not think any diſtinction ought to be made between the old and new commiſſioners, ſince all who

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who were included in the new patent for the Exciſe were equally culpable in accepting places which they knew were obnoxious to the houſe.

Mr. Talbot and Mr. Buſhe replied to Mr. Flood, and were anſwered by Mr. Barry Barry, Sir Thomas Butler then roſe in behalf of the commiſſioners, and urged that they had not ſhewn any contempt of the houſe, as they accepted their places before the reſolutions were taken againſt them.

Counſellor Shell ſpoke on the ſame ſide.——Mr. Maſon (whoſe countenance was greatly altered from that alertneſs and ſatisfaction he ſhewed the preceeding Tueſday, while he was ſkipping about the houſe, and exultingly receiving the congratulations of his friends during the reading of the patent) then aroſe, and ſpoke in his own defence, and was anſwered by Lord Kildare. The Prime Serjeant ſtrained every nerve to exculpate the commiſſioners, and averred, they had not offended any law of the land or rule of parliament, as the houſe had not paſſed any vote, that no member of it ſhould accept of any ſuch place.

The ſpeaker then aſked of the houſe, whether on putting the queſtion the gentlemen who were the objects of it were to be allowed to vote? Mr. Malone urged, that they were; and then Mr. Huſſey aroſe, and with his uſual eloquence, recapitulated every argument that had been uſed in the defence of the guilty members. Their being preſent in the houſe while the former debates were carrying on this queſtion, was a ſufficient notification to them of the ſenſe of the houſe; and rendered them as culpable as a formal vote would have done. Mr. Scot replied, and was anſwered by Mr. Flood. Mr. Barry Barry then, as it was late, offered to withdraw his motion to another opportunity. But the Attorney General oppoſed it, and would have the affair decided at preſent. Mr. Talbot urged the ſame, and Mr. Malone hoped that the queſtion might not even appear in the journals of the houſe. Mr. Burke, jun. then ſpoke in his uſual way. Sir William Oſborne, Mr. Waller and Mr. Maſon ſeverally ſpoke in defence of themſelves, and for the immediate deciſion. Mr. Flood, Mr. Barry Barry, and Lord Kildare inſiſted on having a fuller hearing of this matter. And the queſtion was put whether Mr. Barry might have leave to withdraw his motion, and carried in the negative without a diviſion. The main queſtion was then put, and alſo carried in the negative without any diviſion; and the houſe adjourned till Thurſday, it being then within four minutes of one o'clock in the morning.

Thurſday, Feb. 13.

The houſe being met according to adjournment, from Tueſday

Tuesday, it resolved itself into a committee. Sir Charle Bingham in the chair, to take into consideration heads of a bil for permitting papists to take long leases of ground for building houses, in cities and corporate towns. After some time spent therein, the speaker took the chair, and Sir Charles Bingham reported, that the committees had made some progress, and begged they might have leave to sit again to-morrow, which was granted, and the house adjourned.

Friday, Feb. 14.

The committee of the whole house sat again on the papist lease bill, and having made a further progress, are to sit again on Tuesday next. (Many arguments were used *pro* and *con* these two last days, but as they will all be recapitulated, when the bill has passed the committee, and comes before the house, and the whole taken in one point of view, they will come with more propriety in our account of that day's proceedings.]

The speaker having resumed the chair, the order of last December was read for the going into a grand committee of courts of justice, to take under consideration the complaint made against Judge Robinson, for having laid a fine of three hundred pounds on the county of Armagh at large, for a piece of road in a particular barony being unrepaired. This order was, however, set aside by the question being put, and carried for adjournment; and the house accordingly adjourned till to-morrow.

Saturday, Feb. 15.

Advice having been received of the death of her Royal Highness the Princess Dowager of Wales, the house of Commons took the earliest opportunity of expressing their duty to his Majesty, and condoling with his domestic grief, by appointing a committee to prepare an address of condolance on this melancholy occasion.

The house resolved into a committee, Mr. Brabazon Posonby in the chair, to take into consideration heads of a bill concerning fines and leases of bishop's lands, for the better improvement and cultivation thereof. After some time spent therein, the speaker took the chair, and leave was given for the committee to sit again.

The committee to whom the propagation of an address had been confided, brought it in and it was read by the Speaker. It was then read at the table by the clerk, first at length, and afterwards paragraph by paragraph, which were severally agreed to without any amendment. The members who were of the Hon. Privy Counsel were ordered to wait on the Lord Lieutenant to know when it would be his Excellency's pleasure to be attended on by the whole house, with the Speaker at

at their head with the Commons addreſs to his Majeſty; and then the houſe adjourned to Monday.

Monday, Feb. 24.

The Houſe reſolved itſelf into a Committee, to take into Conſideration the ſtate of the nation (Mr. Ogle in the chair) Mr. Huſſey ſpoke a conſiderable time on the great increaſe of the national debt, and of our national expence, ſtill much enhanced by ſuperfluous offices, and unneceſſary charges; taking notice, that the extraordinary expences of the moſt extravagantly expenſive ſeſſions, are made regularly the baſis of eſtimates for the next ſeſſions. He did not point out any particular means of redreſs, or make any motion, leaving that to other gentleman on a fuller diſcuſſion of this buſineſs, which is adjourned to next Wedneſday.

The Houſe then went into a Committee on the Papiſt leaſe bill (Sir Charles Bingham in the chair.) Mr. Cramer moved to add a proviſo, "excepting that part of the town of Belturbet, which belongeth to the corporation thereof." In ſupport of this, he ſaid, By the charter of that town, no papiſt was to be permitted to reſide in the town, and hoped gentlemen would not annul the charter of a corporation by paſſing the bill. This was oppoſed; and Mr. Scott thought it would be ſufficient to ſay, "ſaving the rights of the charter of Belturbet." Colonel Brown was of opinion there was no occaſion for this exception; for if the inhabitants of Belturbet did not like papiſts, they had nothing to do but avoid giving them building leaſes. The Committee divided, and there were found; Ayes for the proviſo, 59; Noes againſt it 57.

The ill ſucceſs of this motion did not deter Mr. Adderly from moving for the like proviſo for the truly Proteſtant town of Bandon, the only town in Ireland wherein Papiſts are not permitted to dwell. He ſaid, "the town of Bandon had often ſuffered by the bloody perſecution of the papiſts; that our anceſtors had wiſely entered into rules in that town, not to admit papiſts to reſide there, as they had been ſo cruelly uſed by men of that perſuaſion. That Bandon had been the only place of refuge for the proteſtants of that part of the country during the wars in King William's time.

Mr. Maſon ſaid, this proviſo was alſo quite unneceſſary; for no papiſt in his ſenſes would ever think of venturing to ſettle there, or to build in Bondon; for, that as the citizens of Bandon had always ſuch a diſlike to them, the papiſts would not trouble them.

Mr. Adderly replied to him, and Sir Edward Newenham ſaid, he thought it the more neceſſary, ſince if the Bill ſhould paſs, without ſuch a proviſo, papiſts would go there in ſwarms

out of choice, to remove the ſcandal they had lain under of not being admitted there. Bandon would be the firſt place they would endeavour to eſtabliſh themſelves in; but they always beheld that truly proteſtant town with a jealous eye; and though he was totally againſt oppreſſing any man or ſet of men for their religious principles, he would never give a vote towards allowing the papiſts to, have any power over the elections of members of parliament, or magiſtrates of towns corporate.

The Houſe divided on this queſtion, and there were told; Ayes, for the proviſo, 57; Noes, againſt it, 55.

The ſeveral paragraphs of theſe heads of a bill, having been ſeverally gone through, and agreed to in this and the former ſittings of the Committee, the preamble was read, which runs thus:

"Whereas it may contribute to the benefit of the nation, the encreaſe of trade, &c. &c.

Mr. Lehunte moved the Committee to amend the proviſo, by adding after the word *to* the words "encourage the further growth of popery;" which he ſaid he was fully convinced it would do.

The Committee divided on this motion, and there were found: for the amendment, 58; againſt it, 57.

Mr. Maſon then aroſe, and ſaid, "He did not yet diſpair of the ſucceſs of the bill, which he looked upon as a very good and very uſeful one; for it would lie in the breaſt of the houſe, when theſe heads of the bill came before it, to expunge theſe words now added to the preamble; but the hopes of Mr. Maſon, and the other favourers of the bill were effectually ſtifled by Colonel Giſbourne, who ſaid he hoped the committee would not preſent any bill to the houſe, the preamble of which declared it was to contribute to the further growth of popery, therefore he moved that the chairman ſhould then leave the chair." Mr. Hamilton then ſpoke ſtrongly in favour of the bill, and a debate continued near an hour with a repetition of arguments already mentioned, and in hopes to prevail on Colonel Giſbourne to withdraw his motion, but he perſiſted in it, and when it was put, there were found; for the chairman's leaving the chair, 58; againſt it, 55.

Thus the chairman not being authorized by the committee to make any report of its proceedings to the houſe, this bill is totally loſt, nor can be any way revived this ſeſſion of parliament.—

Tueſday, Feb. 25. The grand ſtanding committee of courts of juſtice ſat this day (Mr. Burgh in the chair) to take into conſideration the petition of the freeholders of the county of Armagh,

Armagh, complaining againſt Mr. Juſtice Chriſtopher Robinſon, for having laid a fine on the county for not repairing a piece of road.

Some motions were made for reſolutions, and divers amendments propoſed, none of which came to any iſſue, from the debates taking a particular turn.

John Ford, Eſq; Clerk and Regiſter to Judge Robinſon, was examined at the table, relative to what grounds the Judge went upon in laying this fine. It appeared that the laſt circuit but one, a part of the road was in a very bad condition which the Judge ſaw; and that on going this laſt circuit, his Clerk told him it was then in a ten times worſe condition than before, and therefore the Judge turn'd off, and went round about to Armagh by another road; and that when at the aſſizes, he made a rule for laying a fine on the County, and that fine had been eſtreated in the Exchequer.

The friends of Mr. Juſtice, urged, that having ſeen the condition of the road a year before, and being informed that it had not been yet any wiſe repaired, he had ſufficient grounds to levy a fine.

On the other hand it was aſſerted (particularly by Mr. Prime Serjeant) that it was an arbitrary and illegal fine, for it was not founded upon either *view* or *legal information*, ſince the Judge had not ſeen the road that year, nor had legal evidence of its preſent condition; for ſurely a private converſation between him and his clerk was not *evidence upon oath*, without which no fine can be legally levied.

Altho' Mr. Juſtice had been informed of this ſitting of the committee, he neither appeared himſelf, nor any perſon for him; therefore when ſome of his friends ſaid it would be cruel to proceed in any cenſure of him unheard; moved, and that the further conſideration of this affair might be poſtponed till next Friday) Mr. Flood moved "that the clerk of the committee ſhould acquaint Mr. Juſtice Robinſon, that on Friday next, this caſe would be again under conſideration, and the committee would receive any evidence that he might offer in proof that he had view, or legal evidence to go upon. Adding, that if he then failed to attend, either in perſon, or any one elſe, his ſilence might be taken as admitting that he had no legal evidence. This was agreed to, and the Chairman left the chair.

Previous to the cloſing of the debate, Mr. Speaker recommended to the members, to turn in their minds againſt next Friday, a frequent procedure of the judges, in fining members of that houſe for not ſerving on juries, when the houſe was actually ſitting, and their duty to their country required their

preſence therein; under pretence that no legal evidence had been offered of their being members.

Wedneſday, Feb. 26.

A committee of the whole houſe (Mr. French in the chair) ſat and made ſome progreſs on the heads of a bill for regulating elections of members of parliament, and are to ſit again to morrow.

When the Speaker had taken the chair, the order for the houſe to reſolve itſelf into a committee of the whole houſe to take into conſideration the ſtate of the nation, was read and diſcharged, and the committee is to ſit next week. Some petitions to be included in the Inſolvent act were read, and then the houſe adjourned.

Thurſday, Feb. 27.

The committee of the whole houſe on the election bill ſat again, made a farther progreſs, and are to ſit again to morrow.

Several new petitions were received from perſons praying to be included in the Inſolvent act and then the houſe adjourned.

An Act for the better regulating the future Marriages of the Royal Family.

Moſt Gracious Sovereign,

WHEREAS your Majeſty, from your paternal affection to your own family, and from your royal concern for the future wellfare of your people, and the honour and dignity of your crown, was graciouſly pleaſed to recommend to your parliament, to take into their ſerious conſideration, whether it might not be wiſe and expedient to ſupply the defect of the laws now in being, and by ſome new proviſions, more effectually to guard the deſcendants of his late Majeſty King George the Second (other than the iſſue of Princeſſes who have married, or may hereafter marry, into foreign families) from marrying without the approbation of your Majeſty, your heirs or ſucceſſors, firſt had and obtained;

We have taken this weighty matter into our ſerious conſideration, and being ſenſible that marriages in the Royal Family are of the higheſt importance to the ſtate, and that therefore the Kings of this realm have ever been intruſted with the care and approbation therefore; and being thoroughly convinced of the wiſdom and expediency of what your Majeſty has thought fit to recommend upon this occaſion.

We,

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We, your Majesty's most dutiful and loyal subjects, the Lords spiritual and temporal, and Commons, in this present parliament assembled, do humbly beseech your Majesty that it may be enacted; and be it enacted by the king's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that no descendant of the body of his late Majesty King George the Second, being the grand children and presumptive heirs of the reigning King, male or female (other than the issue of Princesses who have married, or may hereafter marry, into foreign families) shall be capable of contracting matrimony, without previous consent of his Majesty, his heirs or successors, signified under his or their sign manual, and declared in council (which consent, the better to preserve the memory thereof, is hereby directed to be set out in the licence and register of marriage, and to be entered in the books of the privy council) and that every marriage, or matrimonial contract, of any such descendant, without such consent first had and obtained, shall be null and void, to all intents and purposes whatsoever.

Provided always, and be it enacted by the authority aforesaid, that in case any such descendant of the body of his late Majesty King George the Second, being above the age of twenty-five years, shall persist in his, or her resolution; to contract a marriage, disapproved of, or dissented from, by the King, his heirs or successors, that then such descendant, upon giving notice to the King's Privy Council, which notice is hereby directed to be entered in the books thereof, may, at any time, from the expiration of twelve calendar months after such notice given to the Privy Council aforesaid, contract such marriage; and his or her marriage, with the person before proposed and rejected, may be duly solemnized, and shall be good, without the previous consent of his Majesty, his heirs or successors, as if this act had never been made, unless both Houses of Parliament shall, before the expiration of twelve months, expressly declare their disapprobation of such intended marriage.

And be it further enacted by the authority aforesaid, that every person who shall knowingly, or willfully, presume to solemnize, or to assist, or be present, at the celebration of any marriage with any such descendant, or at his, or her, making any matrimonial contract, without such consent as aforesaid, first had and obtained, except in the cases abovementioned; shall be duly convicted thereof, incur and suffer the

the pains and penalties ordained and provided by the ſtatute of proviſions and præmunire, made in the ſixteenth year of the reign of Richard the ſecond.

Die Martis, 3° Martij 1772.

The order of the day being read for the third reading of the bill intitled an act for the better regulating the future marriages of the royal family, and for the lords to be ſummoned,

The ſaid bill was accordingly read the third time.

Propoſed that the ſaid bill do paſs, which being objected to after long debate,

The queſtion was put, whether this bill ſhall paſs.

It was reſolved in the affirmative.

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Diſſentient,

1ſt. Becauſe we think the declaratory principle in the preamble of the bill, to be without foundation in law, (in the extent there ſtated) to be unneceſſary for the avowed purpoſes of the bill, and likely to be attended with very dangerous conſequences, as that preamble does aſſert, "that we are ſenſible "that marriages in the royal family are of the higheſt *importance* "to the ſtate, and that *therefore* the kings of this realm have "ever been entruſted with the care and approbation thereof"

The maxim here laid down, "that becauſe marriages of the royal family are of the higheſt *importance* to the ſtate, they are *therefore* entruſted to the kings of this realm, "is founded on a doctrine abſurd and unconſtitutional; but which hereafter will have the force of a parliamentary declaration of law, the immediate tendency of which is to create as many prerogatives in the crown, as there are matters of importance in the ſtate, and indeed to extend them in a manner as vague and exceptionable as had ever been done in the worſt and moſt deſpotic periods in the hiſtory of this nation; and we apprehend that ſome future, and even more dangerous uſe may be made of this preamble, as it is much more extenſive than is neceſſary for any purpoſe avowed in the bill.

2dly, Becauſe this declaratory preamble ſeems to juſtify the words which his majeſty has been adviſed, (we think very improperly) to uſe in his meſſage to his parliament, whereby a prerogative is aſſumed in an *extent* for which nine of his judges, in their unanimous opinion, delivered to this houſe, do not find any authority.

3dly, Becauſe the term *Royal Family* being *general*, and not qualified

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qualified by the exception of "the iſſue of princeſſes married into foreign families," ſeems to carry (very idly as we apprehend) the royal prerogative beyond the juriſdiction of the crown of Great Britain; can therefore as applied in the preamble, be warranted by no law, and is indeed contrary to common ſenſe,

4thly, Becauſe, if this parliamentary *declaration* of law can operate in any degree, as a retroſpect, (an operation againſt which we have no ſecurity by any thing contained in the bill), it is pernicious and unjuſt; if it can have no ſuch retroſpect, (as was aſſerted in argument by the friends of the bill), it is then at beſt frivolous and unneceſſary.

5thly, Becauſe the enacting part of the bill has an inconvenient and impolitic extent, namely to *to all deſcendants of George the ſecond.* In courſe of time that deſcription may become very general, and comprehend a great number of people, and we conceive it would be an intolerable grievance, that the marriages of ſo many ſubjects, perhaps diſperſed among the various ranks of civil life, ſhould be ſubject to the reſtrictions of this act, eſpecially as it has been aſſerted in argument, and endeavoured to be maintained by the authority of the grand opinion given by the judges in the year 1717, that the care and approbation of the marriage includes the education and cuſtody of the perſon. We fear that this extenſive power would come in time to make many of the firſt families in the kingdom totally dependant on the crown, and we therefore lament that the endeavours ſo earneſtly uſed in the committee, in ſome degree to limit the generality of that deſcription, were not ſuffered to take effect.

6thly, Becauſe as the line is too large, with regard to the deſcription of the royal family, ſo we think that the time of nonage for that family is alſo improperly extended.

We conceive that the age of twenty-one years is that limit, which the laws of this country, and the ſpirit of the conſtitution have with great wiſdom given to minority. It ſeems indecent to the royal family to ſuppoſe they will not be arrived at the age of diſcretion as ſoon as the loweſt ſubject of the realm; and cannot conceive but they may be as capable of chuſing a wife at the age of twenty-one, as of being entruſted with the regency of the kingdom, of which by law they are at that age capable. We alſo conceive that the deferring their age of majority as to marriage till twenty-ſix, is impolitic and dangerous, as it may tend to drive them into a diſorderly courſe of life, which ought the more to be guarded againſt in men of high rank, as the influence of their example is the moſt forcible and extenſive.

7thly, Becauſe the power given by this bill, to a prince to marry

marry after the age of twenty-six, having firſt entered in the books of the privy council his intention ſo to do, for twelve calendar months, is totally defeated by the ſubſequent proviſo, "Unleſs both houſes of parliament ſhall, before the expiration "of the ſaid twelve months, expreſsly declare their diſaproba-"tion of ſuch intended marriage."

We think this proviſo lays great difficulties on future parliaments, as their ſilence in ſuch a caſe, muſt expreſs a condemnation of the King's refuſal, and this concurrence with ſuch refuſal may prove a perpetual prohibition from marriage, to the perſon concerned.

We conceive the right of conferring a diſcretionary power of prohibiting all marriages (whether veſted in the crown alone, as intended by the meſſage, or in the manner now enacted by the bill) to be above the reach of any legiſlature, as contrary to the original inherent rights of human nature, which as they are not derived from, or held under civil laws, by no civil laws whatſoever can be taken away. We freely allow that the legiſlature has a power of preſcribing rules to marriage, as well as to every other ſpecies of contract, but there is an eſſential and eternal difference, between regulating the mode in which a right may be enjoyed, and eſtabliſhing a principle which may tend entirely to annihilate that right. To diſable a man during his whole life, from contracting marriage, or what is tantamount, to make his power of contracting ſuch marriage, dependant neither on his own choice, nor upon any fixed rule of law, but on the arbitary will of any man, or ſet of men, is exceeding the power permitted by the divine providence to human legiſlators: It is directly againſt the earlieſt command, given by God to mankind, contrary to the right of domeſtic ſociety and comfort, and to the deſire of lawful poſterity, the firſt and beſt of the inſtincts planted in us by the author of our nature, and utterly incompatible with all religion, natural and revealed, and therefore a mere act of power, having neither the nature nor obligation of law.

8thly, Becauſe we conceive this bill to be pregnant, with civil diſcord and confuſion; it has a natural tendency to produce a diſputed title to the crown. If thoſe who may be effected by it, are in power, they will eaſily procure a repeal of this act, and the confirmation of a marriage made contrary to it; and if they are not, it will at leaſt be the ſource of the moſt dangerous party, that can exiſt in any country, a party attached to a pretender to the crown, whoſe claim he may aſſert, has been ſet aſide by no other authority than that of an act, to which the legiſlature was not competent, as being contrary to the common rights of mankind. Such a claim, ſupported as it may be, by peculiar hardſhip in the caſe, muſt as we conceive,

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at no very remote period, create great miſchief and confuſion.

Laſtly, Becauſe this bill, which reſorts to ſuch harſh and unuſual methods, at the ſame time provides for its own purpoſe very uncertainly and imperfectly, for it ſecures no remedy againſt the improper marriages of princeſſes, married into foreign families, and thoſe of their iſſue, which may full as materially affect the intereſt of this nation, as the marriages of princeſſes reſiding in the dominions of Great Britain. It provides no remedy at any age, againſt the improvident marriage of the king reigning, the marriage, of all others, the moſt important to the public. It provides nothing againſt the indiſcreet marriage of a prince of the blood, being regent at the age of twenty-one, nor furniſhes any remedy againſt his permitting ſuch marriages to others of the royal blood, the regal power fully veſting in him as to this purpoſe, and without the aſſiſtance of his council; we cannot therefore, on the whole, avoid expreſſing our ſtrong diſapprobation of an act, ſhaking ſo many of the foundations of law, religion, and public ſecurity, for ends wholly diſproportioned to ſuch extraordinary efforts, and in favour of regulations, ſo ill calculated to anſwer the purpoſes for which it was pretended they are made: And we make this proteſt, that it may ſtand recorded to that poſterity, which may ſuffer from the miſchievous conſequences of this act, that we have no part in the confuſions and calamities brought upon them, by rendering uncertain the ſucceſſion of the crown.

RICHMOND	DORSET
ABERGAVENNY	TORRINGTON
PORTLAND	MILTON
ABINGDON	DEVONSHIRE
ROCKINGHAM	ALBEMARLE
FITZWILLIAM	CRAVEN
STAMFORD	JOHN BANGOR.

Diſſentient,

Becauſe the liberty of marriage is a natural right inherent in mankind.

Becauſe this right is confirmed and inforced by the holy ſcriptures, which declare marriage to be of divine inſtitution, and deny to none the benefit of that inſtitution.

Becauſe the law of nature and divine inſtitutions are not reverſible by the power of human legiſlatures.

Becauſe there is a total difference between regulating the mode of exerciſing the right derived from the law of

nature, and assuming or granting a discretionary power of taking it quite away.

Because though we think it expedient and agreeable to the dictates of reason, that minors should not marry without the consent of their parents or guardians, and that such consent should be necessary to render their marriage good and valid, as it likewise is in the exercise of all their other rights during the term of their nonage, it can no more be inferred from thence that we acknowledge a right to continue such restraint throughout their whole lives, then we acknowledge a right to keep men or women in a state of endless nonage which, unless in the case of idiots or incurable lunatics would be absurd, unjust and a manifest violation of the law of nature.

Because, if a perpetual restraint upon marriage, or power given to restrain it, without limitation of time or age, be contrary to the natural divine laws, (as we apprehend it to be) a law authorising such restraint, on conferring such a power must be null and void in itself.

Because, in any case where the right of succeeding to the crown of these realms may come to depend on the force or invalidity of the power given by this Bill, an appeal made against it would probably bring upon the Royal Family and the nation all the miseries and horrors of civil war.

Because though the placing such a power in the King, with the interposition of both Houses of Parliament, is a better security against the abuse of it, than if it had been entrusted to the King alone, yet it may be so used, in corrupt or violent times, as to be made, in some cases, a perpetual negative on the freedom of marriage.

Because, if the power be grevious, and contrary to the inherent rights of mankind, the grievance is increased by the infinite number of persons over whom, in the course of time it is likely to extend.

Because we are convinced, that all the good purposes and objects of the Bill, which we have greatly at heart, might have been answered without giving that perpetuity of restraint over the freedom of marriage, which we think ourselves bound in conscience to oppose.

TEMPLE LYTTLETON
RADNOR ABINGDON
CLIFTON, CRAVEN

And, Because the Bill is essentially wanting to its avowed purpose, in having provided no guard against the greater evil, the improper marriages of the Princes on the throne.

RADNOR.

To

To LORD NORTH.

My Lord,

I HAVE waited with a degree of impatience natural to a man, who wiſhes well to his country, for your lordſhip's miniſterial interpoſition in behalf of an injured princeſs of England, the Queen Conſort of Denmark.

As I have ſome opportunity of being acquainted with the diſpoſition of Lord North, it is, I candidly confeſs, with regret that I reſume the taſk of cenſuring a man, who has, at leaſt, this negative virtue, that he wants the will to do a ſignal miſchief to the ſtate. I deſire, however, to be well underſtood: I intend no compliment to your Lordſhip's heart; I am yet to learn that it merits any. If, therefore, our prime miniſter is not anxiouſly buſied in adopting meaſures, and purſuing ſchemes to plunge this country into irretrievable ruin, we may thank the daſtardly puſilanimity of his nature; we may rejoice at this weakneſs, as by that alone our ſafety is inſured; and we ought to exult in the ſuperintending care of providence which hath dealt out its gifts to Lord North with ſo ſparing an hand, that he does not poſſeſs a ſingle talent neceſſary to render him a formidable adverſary to public virtue.

There is, however, a certain dignity in office, which ever will have weight with the vulgar: your brother, the biſhop, my Lord, ſees this truth daily verified within the precincts of his own dioceſe; and it cannot be conſtrued into an ill-natured reflection to ſay, that there are few families in Great Britain more indebted for conſequence to the drapery of externals, than the preſent iſſue of the Right Hon. Lord Guildford.

The late revolution in Denmark, my Lord, will produce, in all human probability, an entire alteration in the whole ſyſtem of Europe. Your neutrality during that dark, and, as you have managed matters, myſterious tranſaction, is culpable in the extreme: I want words wherewith to delineate the abſurdity of your conduct; the occaſion calls for a ſpecies of envenomed ſatire mortals may conceive, but which, to Lord North's unſpeakable comfort, they can never attain.

The ſituation of the kingdom of Denmark is ſuch, that its very exiſtence depends upon cultivating a laſting and firm friendſhip with the maritime powers of Europe. Beſides the ties of intereſt and of treaties, there are *other* political motives which ever would incline Great Britain to ſupport, protect, and defend the Danes, againſt any combinations which might be entered into for their deſtruction. But at the ſame time that we ſhould ſnatch an handful of people from impending ruin, tho' we might *condeſcend* to interpoſe in their behalf, if their ſitu-

ation called aloud for pity and compaſſion, is this, in the name of goodneſs and common ſenſe, any thing *like a reaſon*, why we ſhould tamely bear their ignominious inſults, or ſuffer the diſgrace they have caſt upon the *Engliſh Nation*, to paſs uncenſured or unchaſtiſed? I ſay the *Engliſh Nation*; becauſe, as for our miniſters, the term *diſgrace*, when applied to them, loſes altogether its poignancy, and the moſt ſuperlative contempt becomes the higheſt compliment you can poſſibly pay to their *daſtardly Meaſures*.

An inſignificant northern potentate, is honoured by a matrimonial alliance with the king of England's ſiſter. A confuſed rumour prevails, that ſhe has been falſe to his bed; the tale ſpreads, a particular man is pointed out as the object of her licentious affections: our hopeful miniſtry are, however *quite ſilent*; diſpaches indeed are ſent off to Copenhagen, but the *contents* of thoſe diſpatches are ſo profound a ſecret, that with me it almoſt amounts to a queſtion, whether you yourſelf know any thing of the matter; the *D. of Cumberland can* keep a ſecret; Lord Mansfield therefore has entruſted him with *a moſt precious one*; you, my *worthy* Premier, have a ſtrong propenſity to *loquacity*, on which account it might be prudent therefore, in the court, not to place too great a confidence in a man, who loves ſpeaking ſo much, that he will talk *nonſenſe for hours*, rather than be ſilent even on a ſubject which he does not underſtand: for a different reaſon, *Lord Sandwich*, perhaps can develope the miniſterial proceedings with regard to Denmark; *he* is a man of *tried veracity*, his lips are ſealed, and he ſeldom opens his mouth to any purpoſe, unleſs when he is about to betray the cauſe of ſome perſon weak enough to be his friend.

As I am not *one of the cabal*, I pretend not to dive into the motives for this cautious ſecreſy: I dare be anſwerable they are of the extraordinary kind; but that conſidered in a political light, your Lordſhip's whole procedure with regard to Denmark is abſurd, and with reſpect to the public, highly criminal. —This is a propoſition to which every independant man of ſenſe, throughout the kingdom, muſt readily aſſent. In private life the honour of a ſiſter is deemed an affair of infinite conſequence to a brother. A man of ſentiment is anxious to convince his friends and neighbours, that the breath of ſlander hath traduced her virtue, and he ſeizes with avidity every alleviating circumſtance that can contribute to extenuate her offence, or demonſtrate her innocence, beyond the poſſibility of cavil.

Is our pious monarch caſt in a different mould from one of his people? or is he taught to believe that the opinion of his ſubjects has no manner of relation to his own felicity? are you, my lord, quite void of feeling? have you no warm blood that

flows

flows around your heart, that gives your frame a thrilling ſaſt ſenſation, and makes your boſom glow with affections, ornamental to man as a ſocial creature? for ſhame, my Lord, however wrong you act, you muſt know better; you muſt be conſcious that the people have a right to be informed of every tranſaction which concerns the welfare of the ſtate: They are part of a mighty empire, which flouriſhes only as their happineſs is promoted; they have a kind of claim in every perſon belonging to the royal lineage; how can they peaceably remain neuter, and ſee their princeſs impriſoned by a banditti of northern Vandals? with what crime is ſhe charged? what are the proofs of her guilt? a revolution brought about by the artifices of an intriguing woman, is no new thing in Denmark, the very ſuperſtruction of the Daniſh monarchy is raiſed upon ſuch a foundation. Margaret, in right of her ſon Olaus VI. aſſumed the reins of government in that kindom; but not content with her juſt portion of power, ſhe formed a ſcheme to depoſe Albert the lawful king of Sweden: ſucceeding in her ſtratagem, ſhe condemned him to perpetual impriſonment, and thus obtained the ſovereignty of Sweden alſo.

There is a barbarous ferocity which ſtill clings to the inhabitants of the North, and renders their government ſubject to perpetual convulſions; but the Danes, I fancy, will be found the only people in our times who have dared to proceed to extremities, that alarm all Europe, nay, dared to impriſon an Engliſh princeſs, without giving even the ſhadow of a public reaſon for their conduct.

The Empreſs of Ruſſia, on a ſomewhat ſimilar occaſion, was politeneſs itſelf; when ſhe condeſcended to diſpatch her huſband, ſhe cauſed a manifeſto to be publiſhed, wherein ſhe juſtified her conduct to God, her conſcience, and the world. The preſent Machiavelian Dowager Julia may ſend the young Queen's ſoul to heaven in a night, and through the ſhameful remiſſneſs of you, Lord North, the Prime Miniſter of this unhappy country, the public may remain ignorant of every circumſtance relative to the murder. Be not however deceived; the blood of our ſovereign's ſiſter ſhall not be ſuffered to cry in vain for vengeance, it ſhall be heard, it ſhall be revenged, and what is ſtill more, it ſhall beſprinkle Lord North, and thus affix a ſtigma upon his forehead, which ſhall make him wander like another Cain, accurſed through the world.

Is it thus a Cecil, thus a Burleigh, thus a Waſſingham would have acted in the days of the Protectorate? Would Cromwell have permitted ſuch an indignity to have paſſed unnoticed? That illuſtrious character would have diſpatched a Blake with all imaginable ſpeed to ſcour the ſeas, and chaſtiſe the inſolence

of

of thoſe northern uncivilized free-booters, had they preſumed even to impriſon a common Engliſh ſubject, much leſs an Engliſh princeſs; and as an hoſtage for her liberty and her life, he would have confined the Daniſh Ambaſſador until an expreſs had arrived, proclaiming her releaſe.

With the generality of perſons example has a moſt powerful effect. You, Lord North, ſoar above the common herd; neither precept nor example can touch your ſoul, or work a reformation in your conduct; you are proof againſt conviction, and when public or private virtue is in queſtion, you have nothing of humanity about you. Contraſts, however, like pictures well diſpoſed, form that agreeable diverſity of light and ſhade which conveys pleaſure and inſtruction to the moſt indifferent ſpectator. When therefore I mention Lord Chatham's name, there is no neceſſity for a comment to elucidate my meaning; his bold, his penetrating, his powerful genius, reſcued this nation from deſpair and ruin, when an epidemic languor ſeized our frame, he, like ſome demi-god, revived our drooping ſpirits; you, my Lord, have again plunged us into all the gloomy horrors of deſpondency. He—but I deſiſt; when the crawling emmet, or the groveling worm, ſhall claim a ſuperiority over mankind, then, and not untill then, will I confeſs that there is the fainteſt ſimilitude between the Earl of Chatham and the man commonly called Lord North.

I anticipate the jargon of your party, I know the ſteps taken, and the artifices practiſed to depreciate a man in the eſtimation of the world, the foree of whoſe abilities aſtoniſhed, and kept for a ſeries of years, all Europe in ſubjection. Continental connections, millions expended, and Engliſh blood ſpilt in Germany; theſe are ſtale, theſe are hackneyed to pieces; I grant, indeed, there is veſſality in the man.—I grant, indeed, he has his flights, but they are ſo many daring excellencies; he is not merely a meteor in the political ſky, he is a conſtellation of a ſuperior order, which ſheds its benign influence on this our lower world, infuſes a genial vivifying heat into our atmoſphere, and this contributes to exhilerate our ſpecies, and enhance the felicity of human nature.

Theſe praiſes are not calculated to obtain applauſes from the giddy multitude; they are not beſtowed, becauſe they may happen to fall within the current of the times; they are not deſigned to render you, my Lord, leſs beloved or more deteſted, than at preſent, ſince that is a taſk beyond any pen to accompliſh, but they flow with an honeſt-hearted ſincerity from my inmoſt ſoul, and was it poſſible to conceive, that this paper ſhould outlive the other trifles of thy day, it would be my utmoſt

moſt ambition to have it conſidered as a monumeutal tribute to gratitude, juſtly due to the truly illuſtrious Earl of Chatham, for the many diſtinguiſhed, ſignal and important ſervices he hath performed for this my native country.

Reflections occaſioned by the Peruſal of Doctor Nowell's *Sermon, preach'd before the Houſe of Commons the 30th of January laſt.*

WHEN the leaders of the church, and the favourite preachers of the court begin to hold forth the antiquated doctrines of non-reſiſtance and paſſive obedience, it is time for this nation to take the alarm. Did they not think that the kingdom of ſlavery was at hand, and that our necks were ready for the yoke of diſpotiſm, they would never have ventured publicly to eſpouſe tenets, which have been at all times ſuch ſtumbling-blocks to the ſons of liberty. Cambridge, that chaſte matron, who received into her boſom the virtuous Grafton, ſet the example. Dr. Gordon preached before her a ſermon, in which he ſpoke with the utmoſt tenderneſs of the divine right of kings, to act as ſeemeth good in their own eyes; accordingly the loyal univerſity did not ſuffer ſuch a valuable light to be hid under a buſhel, but ordered the publication of this precious morſel of eloquence. Oxford, aſhamed to be outdone by a younger ſiſter, and to be robbed of her ancient glory, in propagating the principles of ſlavery, found Dr. Nowell a willing champion in her cauſe. Imagining that the hearts of men were turned, and become at laſt ſenſible of the indefeaſible right of princes, he ventured to tell the repreſentatives of the people from the pulpit, that "the people are not placed in their ſeveral ſtations by any compact or agreement of their own framing, that all authority, dominion and power, are derived from God to thoſe (that is to kings) whom he has delegated to be his miniſters and repreſentatives on earth." For theſe ſentiments, and for this language, he received the thanks of the Houſe of Commons, at the inſtigation of Sir Fletcher Norton, and the majority of the houſe. True it is, that the vote was afterwards eraſed with reluctance; had the friends of liberty been ſilent, the miniſtry and the majority would have been glad to have by ſtealth their ſanction to this doctrine; its convenience, and indeed abſolute neceſſity to their cauſe, at this juncture, is obvious. Being in diametrical oppoſition to their conſtituents, they know that the permanence of that authority, at which they aim, depends upon a general belief, that religion requires an unreſerved ſubmiſſion to the powers that *are*. Hence the ſtory of Korah, Dathan and Abiram, was liſtened to with *erect* ears. They could not help being pleaſed, in hearing George the Third

Third compared to Moſes, and the murmuring people to the company that teſtified their diſſatisfaction with that prophet's conduct. But let us regularly attend the Dr. in his arguments. He tells us firſt, that, however much the hiſtory of the Jews might tempt us to conſider them as a ſtiff necked people, and perverſe generation, they were in fact no worſe than other nations. Britain in particular has no reaſon to boaſt a ſuperiority. Do you deſire a proof? The death of the *bleſſed martyr* was no leſs atrocious a crime, than the rebellion of Korah and of his 250 men of renown. It is to be hoped, for the honour of Moſes, that his cauſe was leſs exceptionable than that of Charles. Be this as it will, the Dr. ſeems to be ſorry, that the earth did not open upon our foreſathers for their impiety, in riſing up againſt *the Lords anointed*, and aſſerting the rights of men; and, had he lived at that time, and poſſeſſed the power, I ſuppoſe his zeal would have prompted him to copy the example of the good Samuel, and to have hewed them in pieces with his cleaver on the altar of the Lord. No biſhop, no king, was the adage of the weak and puſillanimous James; and the converſe of the propoſition, no king, no biſhop, is the creed of Dr. Nowell and the hierarchy. The more power is lodged in the hands of the ſovereign, the more power will he be able to delegate to his ſacred band, to his ſacerdotal troops. Hence our diſintereſted Dr. finds laws inſufficient to keep that monſter, that beaſt of many heads, the people, in awe: religious fears and terrors muſt be called in to their aid, and they muſt be taught to conſider the ſupreme magiſtrate as God's vicegerent, or vicar general on earth. In vain do you aboliſh the authority of the Pope of Rome in this iſland; your true churchmen will ſtill adhere to their antient ſuperſtition, and ſet up a new and more dangerous Pope of our own growth. They will ſtill be idolaters, and for the ſake of the offerings brought to his altar call for a viſible deity, for a molten calf, at whoſe ſhrine they may grow fat and ſleek. The clergy and the tories are intimately connected in principles and practice; both thrive by the abaſement of the inferior orders of the people; hence their favour is as eagerly ſought by eſtabliſhed families, as that of the whigs, friends of liberty, is by thoſe newly raiſed to the throne. The Brunſwick line ſaw and felt that the favourites of the people were at firſt their only ſupport, but now they place all their dependence upon their oppreſſors, upon the direct abettors of ſlavery. How, elſe is it, that we ſee his preſent Majeſty compared to the *holy martyr*, to the wretched monarch who ſuffered and deſerved the block? Some people, I own, deem him a real ſaint, and conſider the compariſon as a ſerious affront to the memory of Charles. Nor is this ſurprizing; Charles did not

not, like his preſent Majeſty, make a maxim of pardoning the worſt of murderers, he did not extend his mercy to Macquirks and Kennedy's, and other ruffians, who made a trade of butchering thoſe who were the champions of the conſtitution and free election; yet, notwithſtanding this diſparity, there is certainly a reſemblance between his preſent Majeſty and the martyr, *but to the misfortune of this nation, not in the moſt eſſential point.*

Charles quarrelled with his parliament, becauſe they would not concur with him in oppreſſing the people. George is upon the beſt terms with his parliament, becauſe it is payed, becauſe it takes from the people the fundamental right of election, and without any enquiry makes up the deficiencies of the civil liſt, as an inexhauſtible fund of corruption. Charles raiſed money and contracted debts by his own authority, and in diametrical oppoſition to parliament. George with the ſanction of parliament ſquanders away upon favourites, upon foſils, upon watches and buttons ten times more than would have made Charles the beſt of princes. Charles, it is true, was apt to play the hypocrite, and retract his word. George is an abſolute heart of oak—always true to his promiſe. Witneſs the punctuality with which he adhered to his engagements with Lord Chatham. When that noble patriot propoſed plans of publick utility, his Majeſty was all attention and condeſcenſion. The ſcheme was to be adopted. No ſooner was Chatham's back turned but new councils were adopted, and the immortal Pitt was thrown adrift upon the ocean of uncertainty. Hence his reſignation; hence the receſſion of every honeſt man from the councils of his Majeſty, who now has none about him but the refuſe of the land, enemies to liberty, enemies to the people, enemies to human nature. It was therefore with juſtice that Dr. Nowell ſaid that "the bright reſemblance of thoſe princely virtues, which adorned the Royal Martyr, now ſhine forth in the perſon of our gracious ſovereign."

JUNIUS-NAUTICUS to Lord SANDWICH.

My Lord, *Portſmouth, March 9,*

AS I am afraid your Lordſhip may be troubled with a nauſea, from the frequent potions of flattery which your puffers ſo copiouſly beſtow upon your admirable management of the navy, permit me to adminiſter an antidote to their poiſons; and though the doſe may poſſibly not be mixed up ſecundem artem, yet you won't be inſenſible (I believe) to the force of the medicine.

Your Lordſhip has moſt induſtriouſly cauſed it to be ſpread about, that through your unwearied attention, the navy is in a better condition than it has ever been ſince the

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peace: If this is meant of the ships themselves, I don't know but they have been more thoroughly inspected lately in the several dock yards than for some time before; but your Lordship should not arrogate any very extraordinary merit to yourself from hence, since whoever was at the Admiralty, must have given the same directions to the navy-board on this account, which you have done, unless they would have hazarded an impeachment in parliament for a scandalous neglect of their trust; which I am inclined to think would be the case, was the nation again to find the men of war in a like bad state in which they were eighteen months ago.

This, my Lord, can however be remedied without much difficulty; a little money and a little labour makes our ships in a tolerable condition again; but the evil of which I accuse your Lordship is of a much more dreadful nature, it is no less then alienating the minds of both officers and seamen from his Majesty's service, and reducing the navy by your tyranny to a degree of imbecility, at the consequence of which I tremble; and I am sure your Lordship ought to do so on a double account.

My Lord, if my pen is guided by calumny and falsity, it will reflect dishonour on my head, not upon your Lordship's; but, if on the contrary, every syllable of what I advance can be proved facts, it will certainly pluck some feathers from those Icarian wings of your's, with which you are unjustly endeavouring to mount into the regions of praise.

Seamen when they enter into the King's service, do nothing more than simply enroll their names with the commanding officer of the ship in which they chuse to engage; every other particular they leave to the general usuage and customs of the navy, and have as firm a reliance on the public faith that their wages will be paid them when the ships they entered for are put out of commission, as that they shall not receive less than two and twenty shillings and sixpence a month.

False hopes! false expectations! you have dishonoured my Lord, the public faith, and break, by the tyranny of power, that compact between the nation and these her best servants, which has hitherto (but that is now at an end) made them enter into the service with readiness and chearfulness.

From the hour in which a seaman first belongs to a ship he looks forward for that happy time, when he shall with his liberty, enjoy the fruits of his poor labour; for this, he

he patiently bears unwholesome climates, unwholesome winds, and infinite other hardships he anticipates the pleasure of enjoying the company of his wife and little family, whom he already sees, in his imagination, new cloathed, and happy in the return of their long lost husband and father.

But how dreadful a reverse do these poor men experience from your inhumanity! They find the pleasing scenes they had fondly hoped to see realized never likely to exist but in idea: they see the man of war they enter for paid off, and instead of receiving their liberty and wages, are forced (though in a time of profound peace) on board other ships; from which, though they may have a few days leave of absence granted, yet the means of enjoying it is with-held, as instead of receiving their three or four years pay (which is due to them) they get no more than six months, in the hope (as it would seem) that the disgust to the service, which this treatment necessarily occasions, will prevent their return to it; and consequently government is advantaged, by seizing upon their wretched arrears.

My Lord, I suppose you won't deny that almost all the ships which have come home from foreign stations of late have been served in this manner; whether this ill-judged expedient is struck out by yourself, or by the little consequential Secretary, you know best; however it is, your Lordship is the culpable person, for having adopted it.

The act of Parliament which endeavoured to guard against such abuses, as well as against the tyrannical use of power by the Admiralty, expressly says, that if the exigence of service require men to be turned over from one ship to another, they shall be paid all the wages due to them before such ships proceeds to sea, which they are turned over into.

How happily have you evaded this salutary clause, my Lord; your Lordship orders these poor wretches to be turned over on board guardships, which never go to sea at all: so that the time of receiving their pay rests solely with the Admiralty, and they remain slaves bandied about from ship to ship, perhaps as long as they live!

We will now turn our eyes, my Lord, towards the men in guard ships, whose treatment seems particularly designed to give them (likewise) an abhorrence and disgust to the King's service: There is nothing a seaman thinks a greater hardship then being continually sent to work on board ships he does not belong to, and for which he is neither paid, nor receives the least advantage whatever; reason must grant

that there appears in this, just ground for discontent, since Carpenters, Sailmakers, or Caulkers, sent from one man of war to another, always receive additional pay for their labour; the poor seaman alone has nothing.

The manner in which the guard ships men have been lately harrassed, have caused them universally to avow their intention of running away, the first convenient opportunity: Your Lordship knows no more Seamen enter now for guard ships; You know, I suppose too that none of those in Commission are even halfmanned; in vain are they kept constantly on board, without ever setting foot on shore; this may put off for a little time longer, the total desertion they all meditate; but it will neither cure nor prevent it; British Seamen have in general taken the utmost dislike and hatred to the king's service, from your Lordships ill judged measures; and the whole nation will have cause to deplore it, whenever we have real occasion for our fleet.

But high as disgust to the Royal service reigns in the hearts of the private men, it has certainly as solid an empire in the breasts of their officers; They pine with discontent, and sicken for want of just encouragement: They are told that your Lordship has publicly said at the council board, that "to make them serve well, they must be kept poor," they believe that your Lordship said so, and they hate you for so ungenerous and so illiberal a maxim.——Whether you have ever said so or not, is immaterial since 'tis plain you adopt it; otherwise you would have exerted your endeavours, to have procured them a reasonable addition to their present scandalous pay, which, to the shame of the nation has remained invariably the same, for this last century nearly.

But as if this inattention to the interests of a set of gentlemen, over whom the King has been pleased to place you, was not sufficient, you must add insult to it; you have sent orders to each captain of a guard-ship, that no menial servant will be allowed on board, but a cook; so that these gentlemen are precluded from having either steward or footman, and the Lieutenants not so much as a cook; it ought hereafter to be esteemed an essential part of the education of an English sea officer, to know how to dress victuals and go to market.

Don't you blush, my Lord, for your narrowness of soul? I'm sure if you have a friend, he will for you at the recital. And why, my good Lord, may I beg leave to ask, all this refinement? Will the service be benefited by this regulation? Would you oblige the sea officers to eat nothing, but the

ships

ſhip's proviſions ? And if you would graciouſly indulge them with a fowl or joint of mutton, muſt they go about themſeves to procure it ? And are not the ſick people frequently benefited by the officers having it in their power to ſend them now and then a little freſh proviſions to eat ? And does not every menial ſervant on board, do their duty at the guns in the time of action, in the ſame manner with other private man ? And if this is ſo, where is the injury to the ſervice ? And why ſhould you make uſe of your power, merely becauſe you have it, to oppreſs gentlemen who have deſerved as well of their country, at leaſt as your Lordſhip, whether collectively, or as individuals.

If you would really refine, my Lord, and mean ſeriouſly to correct abuſes, there is a pretty ample field before you, where you may acquire ſome credit ; it is however, a field rather too extenſive for me to ſurvey at preſent ; the only part of it which I ſhall at all point out to your Lordſhip, is the ſcandalous practice of making the poſt of purſer a mere ſinecure ; ſeveral of your clerks in the Admiralty, and many other people who never ſaw ſalt water, nor ever will, now enjoy thoſe comfortable places, which ought ever to be the reward of captains clerks that have been brought up to the profeſſion, and whoſe right it becomes from ſervice and good behaviour.

The frigates are employed upon the moſt contemptible and moſt frivolous ſervices ; if a recruiting party of marines want to go to Ireland, or a needy man of quality, and his family, to ſponge and live gratis for ſome time, a man of war is moſt readily at their devotion whenever they chuſe to aſk for one.

When your Lordſhip condeſcends next to let the publick prints take notice of the obligation the nation is under for your attention to the Navy, let me requeſt you will point out to them a further obligation not much obſerved ; and this is procuring a ſtanding army of ſixty ſix hundred and ſixty men in barracks, in the heart of the kingdom, under the name of marines. What your motives could be, to keep up ſo very large and uſeleſs a body of men in time of peace you know beſt : The Sea Officers, from a conſciouſneſs of there being three times the number of marines on board every ſhip than there is any occaſion for are ſo impertinent as to ſay publickly; that " your Lordſhip does it to add a few thouſand " pounds a year, to your income ;" as the profits to the Admiralty ariſing from the marine cloathing is at the loweſt computation 20 ſhillings per man, per annum, will you then my Lord, inform the publick how this ſum o

660 pounds is divided, and how large a ſhare of it you take to yourſelf as firſt Lord? The conſequence and rank which you have lately procured for that corps we all know was only done to have a plauſible pretext for keeping on foot ſo great a number of theſe "very uſeful men."

And now, my Lord, I ſhall quit your Lordſhip for the preſent, in hopes that the compoſition I have dropped into your ear, may be of ſervice; if it ſhould not, I ſhall take the liberty of making up a more pungent medicine. It will not I confeſs, be compoſed of euphraſy and rue though I venture to pronounce that it ſhall effectualy clear your viſual nerve, and make you, whether you will or not, ſee plainly the neceſſity of doing your part towards redreſſing the grievances, and procuring ſome encouragement to the officers of his Majeſty's navy I am my Lord,

Your Lordſhip's great Admirer,

JUNIUS NAUTICUS.

Proceedings in the Houſe of Commons *on the* Royal Marriage Bill.

ON Wedneſday, March 4, At half paſt two the bill for regulating the marriages of the Royal Family was brought from the Houſe of Lords by the two judges, Lord Chief Baron Parker and Baron Smith. Lord Chief Baron Parker addreſſed himſelf to the Speaker, and ſaid, the Lords had commanded them to bring to that Honourable Houſe that Bill, the title of which he read and delivered in, and then they retired.

Mr. Seymour moved for the meſſage to be taken into conſideration firſt, as by the order of the day, and then Mr. Jenkinſon got up and ſaid, the compliment that was always paid to ſuch a bill, was, that it ſhould be read the firſt time immediatly. Mr. Seymour deſired that the meſſage might alſo be read, that the Houſe might take that alſo into conſideration; for as he was againſt the bill itſelf, he ſhould oppoſe it in every ſtage; that the meſſage was highly blameable, and the perſon who drew it up, he would not heſitate to ſay highly criminal; that it appeared to be drawn up by a perſon whoſe breaſt ſwelled with a prerogative doctrine; that it contained an aſſertion of facts contrary to law; he alſo underſtood that the matter had had a thorough diſcuſſion in another place; and that he ſhould move for a committee to be appointed to inſpect the Journals of the Houſe of Lords; but being premature in his motions the Speaker put the queſtion, that the bill be now read a firſt time; the Speaker then read the bill, and alſo informed the houſe what it enacted, Sir Joſeph Mawbey moved. that the bill

bill be printed; but his motion being alſo out of order, ſome little debate happened about the propriety and order of the motion.

Mr. Seymour then renewed his motion for the committee. Mr. Dowdeſwell ſeconded it; he obſerved that the prerogative doctrine in the meſſage, that had been mentioned by his honorable friend, was certainly by its deſcent allied to the Star chamber, and could only derive its extraction from thence; he inſiſted upon it that the meſſage contained aſſertions that were contrary to law, and had been declared ſo by men eminent in the law, as was now well known to every Member in the Houſe individually, though not ſignified to it as a body; that they had not now the ſame opportunity of conſulting theſe learned men, as they were moſt of them gone upon the circuit. He therefore ſeconded this motion that he might get all the aſſiſtance he could from the Journals of the Lords.

The ſecond reading was moved, and carried for Monday March 9.

The motion for printing the bill took place then. Lord North ſaid, that he could not do otherwiſe than oppoſe ſuch a motion, as there was no reaſon given that could perſuade him, that there was any neceſſity for printing it; the bill being ſo ſhort and lying upon the table, every member might make himſelf maſter of the contents.

Mr. Thomas Pitt ſaid, that every word in that bill, being of ſuch momentuous importance to the community, ought to be as much weighed and conſidered as a whole clauſe in ordinary acts of parliament.

Sir William Meredith ſaid that he had ſearched the hiſtory of this country from the earlieſt times, and could not yet find a ſingle precedent to ſupport ſuch an aſſertion as was contained in that bill: he thanked the Noble Lord for giving him to underſtand that it was to be an alteration of the law, and the bill was not formed upon any one exiſting ſtatute.

The Houſe was divided by Lord North upon the motion for printing the bill, it was imagined, in order to ſee the ſtrength of the Court party againſt next week.

For printing it	— —	106
Againſt it	— —	193

On Monday, March 9, the bill was read a ſecond time. When the Speaker had read the order of the day, which was for the ſecond reading of the ſaid bill. Mr. Dowdeſwell ſaid,

Mr. Speaker,

Meſſages from the Sovereign to this Houſe were till now deemed

deemed matters of a ſolemn and ſerious nature. They were thought to require a mature and deliberate diſcuſſion; and the miniſter, from whoſe advice they originated, took the utmoſt care to walk upon conſtitutional ground. But theſe times, it ſeems are paſt; and the terrors of this houſe are no longer for miniſters. Regardleſs of the honour and dignity of the crown, they put into the mouth of the king the moſt crude and undigeſted ideas, the moſt exceptionable and obnoxious language. As if it was immaterial whether his Majeſty ſhould utter truth or falſhood, he has been induced to declare in his meſſage that, "becauſe marriages in the Royal Family are of the higheſt importance to the ſtate, the kings of this country have ever been entruſted with the care and approbation thereof." a poſition, which I apprehend, is founded neither on law nor reaſon. Let us hear what the judges ſay upon this head. When conſulted a few days ago by the Lords they declared that they did not find that the king's authority extended farther than his own children, and grand-children, and the preſumptive heir to the crown. How then is that the meſſage gives him unlimited power over every royal marriage? here there is evidently a miſtake in point of law. Are there no lawyers then of the king's council? Or is their advice not taken, if taken, neglected? Embrace which ſide of the alternative you chuſe, the diſgrace falls not the lighter on the king's friends, or indeed upon the king himſelf. Want of conſideration is no leſs blameable than want of knowlege. As far then as the authority of the ſages of the law will go, the king's meſſage is condemned, and there is no reaſon to ſuſpect that they were not as favourable as the nature of the caſe would admit. The cautious and guarded expreſſions which they uſed leave us no room to doubt of that point. Indeed the ſtudied reſerve, which is obſervable in their anſwers, makes it juſtly queſtionable whether they have not expounded the law too favourably for the miniſtry. For, upon what grounds have they given the king the diſpoſal of his grand-children in marriage? Not ſurely upon the ground of ſtatutes; for, till this hour Engliſh juriſprudence knows of no ſuch reſtraint. The act, which regulated other marriages, expreſsly excepts the royal family; and it is well known the common law left men, till that period, to their natural freedom. Whence elſe did the marriage act ſpring? Had any proviſion been previouſly made, it could never have exiſted. Had the paternal authority exerciſed in Rome been rooted in our conſtitution, ſuch a ſtatute would have been abſurd and ridiculous, becauſe uſeleſs and unneceſſary. Since then the principles of both of the common and ſtatute law put their mark of reprobation on the doctrine alledged in the meſſage, it will be incumbent on our judges and their

their abettors, if they would expect our acquiescence, to prove that some particular privilege, or, if you will, prerogative was granted to our monarchs in this respect. But where is the constitution, or act, which distinguishes the Royal Family in this matter from an ordinary subject? I have consulted the grandest opinion, and I can find none. Our history gives very little sanction to the courtly doctrine held forth in that vaunted decision. Nor is it reasonable it should. When men come to the years of discretion, to the legal age of marriage, it is just and proper that they should be at their own disposal, and not subjected in a country which calls itself free, to the caprice of any man. Law, positive law, not the arbitrary will of an individual, should be the only restraint. Men, who are by law allowed at one and twenty to be fit for governing the realm, may well be supposed capable of chusing and governing a wife. One and twenty is the legal age of marriage for ordinary mortals. Why should a different rule hold with respect to the Royal Family? Do their understandings ripen more slowly, or are they later men? In the succession to the crown we have adopted a different rule. We suppose them at eighteen equal to the arduous task of swaying the sceptre, and at one and twenty they may be regents. Why then establish such opposite and contradictory maxims? Is it the intention of the minister to prove by making us adopt the most absurd and contradictory doctrines that we are in his hands but as a potters vessel which he may fashion and mould as he pleases? I should be sorry to find this assembly treated with such contempt, and still more sorry to deserve it. For this and various other reasons I move that—

"That it does not appear that the proposition affirmed in his majesty's message to this house, viz. that the right of approving *all* marriages in the royal family, has ever belonged to the kings of this realm, is founded in law, or warranted by the opinion of the judges of England."

H. Semour Esqr. seconded this motion.

Wellbore Ellis, Esq; moved the order of the day (i. e. the reading of the bill.)

H. Herbert seconded the motion.

The speakers then were,

For Mr. Dowdeswell's motion.	Against it.
1 Hon. T. Pitt, (extremely well)	2 Lord Clare
3 C. W. Cornwall	4 A. Wedderburne (the best on this side
5 J. Dunning	6 T. Lockhart
8 W. Graves	7 R. Sutton
9 Charles Fox	10 Sir G. Elliot
11 E. Burke (extremely well)	12 E. Thurlow

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14 H. Herbert (tho' he seconded Mr. Ellis's motion)
15 Sir William Meredith, (very hoarse)
16 General Conway

The house divided upon the question of the order of the day; for it 268, against it 140.

Sir William Meredith then moved to adjourn, it being half an hour past two o'clock, and several of the members retired thro' fatigue; the house divided upon the question, 134 for it, and 266 against it.

Colonel Barre, *then addressed the speaker in the following terms.*

Mr. Speaker,

THE spirit of administration and the ductility of this assembly have for some years past been such that as even a ministerial member the other day said, I should not be surprised to see the majority of the house, if ordered by a certain noble personage whom I have in my eye, attempt to come hither upon their heads. Let but the cabinet adopt the most absurd, the most monstrous proposition, and it will be cordially received, and eagerly forwarded in St. Stephen's Chapel. The most deformed and ungainly brats of the minister are sure to be here nurtured and reared up to maturity; a circumstance which puts me in mind of the Indians, who, when they find a monster of a very extraordinary and uncommon appearance, immediately adopt him as their supreme God, as their *Jupiter optimus maximus*. The more absurd and detestable any of the premier's plans appear, the greater devotion his worshippers discover. The doctrine propagated by him in the affair of the Middlesex election was pregnant with ruin and disgrace. What was the consequence? The zeal of his adherents encreased in proportion; and they endeavoured to cover the uglineſs of the idol by the intenseness of their idolatry. Methinks the same symptoms are visible upon this occasion. What is wanted in argument gentlemen attempt to supply by vehemence. Hence, had I not other authentick intelligence, I could trace the origin of this bill, which is evidently a King's measure. Who then wonders that the whole kingdom is set in motion, and that members, who seldom honour these walls with their presence, are pressed into their service? I have no doubt but we shall soon feel the effects of such an extraordinary effort in the arrears of the civil list. The final decision of the Middlesex election was soon followed by a demand of more than half a million of money; and the reason why it was immediately granted without any previous enquiry into the manner, in which the debt was contracted, can

be

be as little problematical in this assembly as it is throughout the whole nation. I therefore congratulate the abettors of the bill upon the prospect of the fine harvest, which lies before them. The crown will certainly shew its gratitude for so great an accession of prerogative, what though this violent act tears away the brightest jewel in his Majesty's diadem, the affection of the people, and in its place substitutes fear and jealousy? Such a consideration is in these days no moment. *Oderint dum metuant* seems now to be the favourite maxim inculcated by those whom the king delighteth to honour. Having sapped the foundations of the constitution, having in their own opinion imposed the yoke, and riveted the chains of the people, they would, in order to make every thing sure and solid, reduce every branch, every individual of the royal family to the same abject state of servitude. Observing that the divisions of the regal line frequently contributed in ancient times to the preservation of liberty, because the discontented princes threw themselves into the scale of the people, and thus formed a balance to the excessive weight of the crown; observing, I say, this circumstance, they will not even leave the semblance of liberty to these devoted victims, but render them totally dependent upon the caprice of a king; or rather of his minister. But is this plan in fact calculated for making the royal line entirely subservient and obsequious to the sovereign, and for producing that despotic calm, at which they aim? On the contrary it will prove the source of endless dissentions and quarrels as well among the royal family as among the people. Do you imagine that any man arrived at the age of maturity, much less a young spirited prince, will submit with patience to the loss of the rights of a man, to that power enjoyed by the meanest subject, to the right of disposing of himself in marriage, when he has arrived at the legal age of maturity, at the common years of discretion, which entitle all but idiots and lunaticks to chuse a help meet for them, as their own fancy directs. Is it the intention of the minister by this bill to make us insinuate that our royal family are but ideots or lunaticks? Though they have not sagacity to perceive it, this is the compliment which they pay to his majesty, when they suppose his family incapable of walking without leading strings till the age of twenty-five? Why do I say the age of twenty-five? The bill continues their state of minority for ever, and leaves them pupils and wards of his majesty and the parliament all their life. In order, however, to make amends, his majesty, let him be ever so young, ever so ignorant and inexperienced, is supposed to be at eighteen endowed with every good quality both of head and heart, being invested with power to provide himself a proper consort, and to act as guardian

his former guardian, to the man who was perhaps regent of the realm, superintended his education, and provided him with swaddling cloaths. Sir, you need not smile; Princes, like other mortals, must be rocked in their cradles, and have their rattles and hobby horses. However much deified upon the throne they were once but boys, I wish they did not frequently continue so, and prove themselves not only less than men, but more mischievous than unlucky boys. Had this bill been calculated for confining their freaks and sallies within bounds, its object would be rational; because, as the influence of the crown is now so much extended, they are of all others most to be dreaded. You may give them what epithets you please; you may call them God's vicegerents and vicars-general upon earth. Names will not alter the nature of things. They will not prove less tyrannical and despotic. Nay, the higher you exalt them, the more they will trample upon their subjects. When this is the state of the case, why should I wonder that you have chosen this dark and midnight hour for so black and attrocious a deed; This is the murderous season of the night, and you have with propriety pitched upon it, for giving a vital stab to liberty, and for effecting a purpose much more hellish than the gunpowder-treason. Kings, Lords, and Commons may soon be replaced, all blown up in the air; but a lost constitution who can restore? men are the offspring of a single generation; but a system of wise laws is the work of Ages.

Mr. H. Herbert moved to adjourn: He was seconded by Mr. Stephen Fox, Esq; but this motion was withdrawn, upon an agreement, that the debate upon the principle of the bill, should come on this day (Wednesday) upon the motion for the speaker's leaving the chair.

The principles which the ministry maintained throughout the whole debate, and in which they were supported by their prostitute crown lawyers, were, that although this prerogative was undefined, both as to its power, and the objects of it, yet was absolutely vested in the crown by the constitution, and the common law of the land, from time immemorial to this day; and that an act done contrary to, or in defiance of it, though in the exercise of the common rights of the subject, was a contempt of this prerogative; a crime at common law, and was punishable by fine and imprisonment.

On Wednesday March 11, upon the order of the day being read, for the house of commons to resolve itself into a committee of the whole house, on the royal marriage bill, a long debate ensued.

The question was whether the speaker should leave the chair?

The

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The following is a list of the gentlemen who spoke for and against the question, numbered in order that they rose.

No.	Aye.
1 Hon. Stephen Fox	2 Mr. Hart
4 Lord Bellasyse	3 Mr. Stanley
5 Captain Phipps	6 Mr. Cooper
7 Mr. Herbert	10 Mr. Onslow
8 Mr. Hampden	11 Lord Jn. Cavendish
9 Lord Folkstone	12 Mr. Sutton
13 Col. Barre	14 Mr. Jenkinson
15 Mr. Charles Fox	16 Lord G. Germaine
	17 Lord Advocate of Scotland
	18 Mr. Rushout
	19 Mr. Dowdeswell
	20 Mr. W. Burke
21 Mr. Cornwall	22 Lord North
	23 Mr. A. Powlett
24 Sir W. Meredith	25 Mr. T. Townshend
27 Sr W. Meredith, to reply	26 Mr. E. Burke,
	28 Mr. E. Burke, to reply

Upon the question, the Noes were 64, and the Ayes 300.

They adjourned till Friday.

On Friday came on, at half past three o' clock in a Committee of the whole House the further consideration of the Royal marriage Bill, Welbore Ellis, Esq; in the Chair when there were again five divisions: The first was upon an amendment proposed by Mr. Dowdeswell, to leave out in the second page, line 20 of the Bill, the following words: "persist in his or her resolution to contract a marriage disaproved of, or dissented from, by the King, his heirs, or successors, that then such descendant shall give notice to his Majesty's Privy Council;" *and insert*, intend to contract any marriage, such descendant shall give notice to his Majesty's Privy Conucil of his or her intention, together with the name and addition of the party with whom he or or she shall intend to marry as aforesaid,

Question put, that the words proposed to be left out shall stand as part of the motion; Ayes 103; Noes 48.

Second page, line 27, amendment was proposed to leave out 'twelve,' and insert 'one.'

The question was then put that the word "twelve stand part of the clause; Ayes 127; Noes 60.

Page the second, line 31, leave out, "and shall be good."

Page the second, line 32, after "successor *insert* and such marriage shall be good."

In

In the ſecond page, line 54 and the following.

An amendment was propoſed to leave out " unleſs both Houſes of Parliament ſhall before the expiration of the ſaid twelve months expreſsly declare there diſapprobation of the ſaid intended marriage."

The queſtion put, that theſe words ſtand part of the clauſe.

The Committee divided; Ayes 196; Noes 107.

The clauſe which is concluded in line 37 agreed to.

In line 40 leave out " ſhall," *and inſert* " to"

An amendment propoſed to leave out " or" in the fortieth line.

Queſtion put, that this word ſtand part of the clauſe; Ayes 195; Noes 110.

An amendment propoſed in the fortieth line after the ſecond " or" inſert " to."

Queſtion put, that this amended clauſe ſtand part of the Bill.

The Committee divided, Ayes 179; Noes 112.

Mr. Ellis reported, that the Committee had gone thro' the Bill; the report to be received on Monday morning.

Adjourned till Monday.

Monday, at three o' clock, Welbore Ellis, Eſq; reported to the Houſe the amendments of the Committee to the Royal Marriage Bill, which were agreed to.

Roſe Fuller. Eſq; then made a motion to inſert a clauſe, that the act ſhould continue in force for and during the reign of his preſent Majeſty, and for three years after his demiſe and no longer. But after a ſhort debate, which laſted till paſt ſix o'clock the queſtion was put, that this clauſe be made a part of the bill, when the Houſe dividing there appeared Ayes 132, Noes 150; ſo that the clauſe was rejected by a majority of only 18. As ſoon as the above diviſion was over, ſeveral minority came in, being locked out at the time of the diviſion, which was the means of loſing the clauſe. Col. Lutterel and his father divided with the minority.

The Speakers on this occaſion were, Mr. Fuller, Mr. Curzon, Sir Henry Houghton, Mr. Mackworth, Mr. Ongly Mr. Burke, Mr. Dowdeſwell, Col. Barre, Lord North the Attorney and Solicitor General, Mr. Dyſon, and Mr. Cooper.

The Houſe broke up on Monday night at nine o'clock having gone thro' the report

And on Tueſday in the Houſe of Commons the bill for better regulating the marriages of the Royal Family was read

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ead a third time, and it being proposed that the bill should pass, many gentlemen opposed the principle and particular clauses of the bill; Mr. Sawbridge in particular said it was "a bill to gratify the rancour of a monster, and the malice of a man". No gentleman in administration defended the bill but trusted to the book of Numbers. At six o'clock the House divided, when there appeared to be 168 for its passing 115 against it. Sir Joseph Mawbey moved to correct the title of the act, and to make it co-extensive with its contents by adding these words, "An Act for enlarging and extending the Prerogative of the Crown, and for the Encouragement of Adultery and Fornication" under the Pretence of regulating the Marriages of the Royal Family but this was objected to, and the latter words continue to form the title.

The Royal Marriage Bill as now passed our *Most Faithful* Commons, in the unlimited extent it was drawn by Lord Mansfield; so that every descendant of our now more than ever to be lamented sovereign George the second, is in vassalage and slavery; and the Kings of this limited monarchy are erected into family tyrants to trample upon the laws of nature and religion. One resource of comfort still remains,—the reflexion that the arbitary acts of a despotic Henry were all repealed by his beneficent son King Edward the Sixth.

The Royal Marriage Bill has been passed at the expence of two British Baronies, five Irish ditto, one advancement from ditto to an Irish Earldom, one Blue Ribbon, three Red ones, one baronetage, three reversionry patent places, twenty five thousand pounds in occasional gratituities besides innumerable promises of lottery tickets. In so very interesting and constitutional light in this Bill seen by our worth Representatives.

Debate in the House of Commons concerning Dr. Nowell's sermon.

MR. Boyle Walsingham moved, That the thanks of the house which had been precipitately voted to Dr. Nowell for his sermon preached on the 30th of January last, might on account of some offensive passages be expunged from their votes.

General Irwin seconded the motion.

Sir Roger Newdigate said, it was very extraordinary to make such a motion without repeating the passages which were exceptionable; he desired the gentleman would point them out, that the house might form a judgment.

Mr. Boyle Walsingham pulled the printed sermon out of his pocket; and, in his hurry not readily finding the passages he alluded

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alluded to, turned over ſeveral leaves: ſome of the members who ſat near him, endeavoured to ſave time by pointing out to him the paſſages: this producing ſome converſation and joking.

Sir William Dolben roſe to order: and addreſſing himſelf to the ſpeaker, ſaid—"Sir, it is very plain to me that the gentleman has neither heard nor read the ſermon he has cenſured; ſince he is not able even with the aſſiſtance of thoſe who ſit near him to find out the paſſages which he has been told are exceptionable. Gentlemen ſhould not condemn upon hearſay; much leſs ſhould they venture upon ſuch ſlight authority to make ſerious motions in the great aſſembly of the nation. But, Sir, I will ſave the gentleman the trouble of finding out the paſſages he is looking for; and as I was the perſon who moved the thanks for this ſermon, I will inform the houſe how that happened. I moved the thanks of this houſe to Dr. Nowell for his ſermon, at the deſire of your ſpeaker, who heard the ſermon preached: my motion was ſeconded by Mr. Popham, who likewiſe heard it preached: both theſe gentlemen knew what they did, and are equally concerned with myſelf to defend and juſtify the thanks which have been given. For my own part I think that Dr. Nowell deſerves for his ſermon the thanks he has received; and I ſhall continue to think ſo till I hear better reaſons urged againſt it than any which have been hitherto produced. The paſſages objected to by an honourble gentleman (Mr. Townſend) when this matter was laſt mentioned in the houſe, were the following *(here Sir W. D. read the paſſages which were objected to)*—Now, Sir, I inſiſt upon it that theſe words do not bear the conſtruction which has been put upon them: they are proper; and well warranted both by the hiſtory of the times ſpoken of, and by the ſervice of the church appointed for the occaſion. Sir, I muſt think that the complaint againſt this ſermon proceeded from the honourable gentleman's ſpleen: for, Sir, the temper with which he threw the ſermon three times on the table, declaring it ought to be burned by the common hangman, convinced me, that at that moment at leaſt his bitterneſs and zeal made him as deſirous to burn the preacher as his ſermon.

Mr. Popham. "I acknowledge that I heard the ſermon preached; and I expreſſed to Sir W. Dolben my diſapprobation of it: but Sir William inſiſted that I muſt have been miſtaken, and that the ſermon contained none of thoſe offenſive expreſſions I had mentioned. As Sir W. was poſitive to thee very letter in the ſermon, I ſuppoſed I had been miſtaken; and yielding to his interpretation, and better memory, I conſented to ſecond his motion for thanks. But I have read the ſermon ſince it has been printed, and find I have been miſled by Sir William

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William Dolben; for I declare, I think it the moſt exception-able ſermon I have ever ſeen."

Mr. Speaker (Sir Fletcher Norton) "As I have been called upon, I hope the houſe will indulge me with a few words. It is true I heard the ſermon, but I did not approve of it. I highly diſapproved it, and I did not conceal my ſentiments: I took care to mention the diſguſt it gave me, to a gentleman who I was ſure would tell the preacher of it again. Having done ſo, concluding that the offenſive paſſages would be expunged and not printed, I called upon Sir W. Dolben to know if he intended to move the thanks for the ſermon as a cuſtomary compliment of courſe."

Mr. Townſend. "The honourable gentleman who made the motion of thanks, and has endeavoured to juſtify them by commending the offenſive paſſages of the ſermon in queſtion, has very improperly attributed my complaint to ſpleen and want of temper. It proceeded from a very different motive. From the moſt mature and cool conſideration and enquiry in the cauſes of the civil wars and the hiſtory of Charles's time, I am of opinion that the perſons who firſt took up arms againſt that prince were not only blameleſs, but praiſe worthy. Had it been my misfortune to have lived when a neceſſity like that called for it, I ſhould not have heſitated to have taken arms likewiſe. But becauſe I do not wiſh to ſee ſuch days, I am for cenſuring the arbitrary doctrines contained in this ſermon, being thoroughly perſuaded that the encouragement of Mainwaring, Sibthorp and Montague, who preached then the ſame doctrines which Dr. Nowell has now revived, was more pernicious to Charles the firſt, than the efforts of all his perſonal enemies—if he had any."

Mr. Frederick Montague. "Sir, the reproach which has juſt been caſt upon the name of Montague, is not the occaſion of my riſing at this time. I feel it impoſſibl that I ſhould have the leaſt relation to ſuch a man; and if I had I ſhould not attempt to defend his writings which I abhor. A different conſideration has inclined me to ſpeak on this occaſion: the Clergy of this Country are in a very diſagreeable ſituation when they are obliged to preach on the 30th of January I remember when a Clergyman was refuſed the thanks of this Houſe becauſe he preached in the oppoſite extreme to Dr. Nowell. And now we are going to expunge the thanks to this Gentleman for a reaſon directly contrary to that which cauſed the refuſal to the other. What can the Clergy do? If they follow the ſervice of the Church for that day, they muſt be condemned by reaſon, truth and juſtice: if they contradict the terms and ſpirit of the ſervice

they will not find themſelves without reproach and cenſure on that account. The conſciences of the Clergy and the underſtanding of their congregations, and the rights of humanity ought to be releived from this inſult. I therefore give notice, that with the leave of this Houſe, I intend to bring in a bill to aboliſh that ſtature by which our Church ſervice is apointed for the 30th of January."

Sir Roger Newdigate with extreme violence and heat juſtified both the Preacher and Charles the Firſt. He read ſome extracts from a Sermon by Fleetwood; in which he preached the ſome doctrine as Dr Nowell; and yet Sir Roger obſerved that Fleetwood was not a Tory, but was perſecuted afterwards by Queen Anne's Tory Adminiſtration. Sir Roger however acknowledged that he could not defend every act or particular part of the conduct of Charles; he ſaid he muſt own he had one fault, which was complying too eaſily with the wiſhes of his people: and he inſtanced the execution of Strafford whoſe warrant Charles ſigned altho' he knew him innocent. Sir Roger ſaid that no hiſtorian of any credit or abilities had ever attempted to defend the men who oppoſed Charles; one hiſtorian indeed had endeavoured to do it but no regard was paid to that Hiſtory by any perſon, as the author was known to entertain notions and profeſs prinples diametrically oppoſite to our Religion and Goverment. Sir Roger dwelt much on the princely virtues of the bleſſed Martys. he exalted his learning, piety &c. &c. and concluded by declaring that in his opinion Charles the Firſt as a King and a Gentleman poſſeſſed virtues which were worthy of the imitation of any perſon in any age or Country. Sir. Roger moved then for the order of the day.

Lord Folkſtone ſaid, he had a perſonal knowledge of Dr. Nowell, and a great regard for him; that he could not ſuppoſe the doctor had any bad intention, nor indeed did it appear that his expreſſions went beyond thoſe of the ſervice which is appointed by law to be read on that day. His Lordſhip owned that the ſervice of the day ought not to be the guide of any Engliſhman's doctrine; becauſe the ſervice was drawn up by Father Peters, the confeſſor of James the ſecond.

Captain Phipps moved for the journals of the houſe to be read where Lenthall wes reprehended for ſaying in the houſe of commons, that they who firſt drew the ſword in the late rebellion were as guilty as thoſe who cut off the king's head.

This debate ended with reading the journal.

The queſtion being put for the order of the day, the ſpeaker *impartialty* declared that the Ayes had it; but upon a diviſion it appeared that the No's had it by 151 to 41.

Mr

Mr. Walſingham's motion to expunge the thanks was then renewed.

Mr. Sawbridge. "Sir, it will not be imagined that I riſe to oppoſe the preſent motion, nor does it appear to want any ſupport, the ſenſe of the houſe being ſufficiently declared by the diviſion we have juſt ſeen, but I am called upon by ſome expreſſions that fell from one of the gentlemen in the laſt debate. He has paſſed his judgment very peremptorily upon hiſtorians, and their principles; and it is true that if toryiſm be the conſtitution of our church and ſtate, thoſe whom he has cenſured have deſerved cenſure. If deſpotiſm be the juſt claim of an Engliſh king, the gentleman is very orthodox and his ſaint is juſtly canonized. He has talked much of the virtues, the great amiable qualities of Charles the firſt, whom yet he has confeſſed to be a tyrant and a traitor: to which amiable virtues I add, that he was alſo a lyar. His injuſtice and treachery the gentleman has inſtanced by acknowledging that he ſentenced to death his faithful ſervant whoſe zeal and innocence he never doubted. And it is notorious that this virtuous king would never have died upon a ſcaffold, if beſides a whole reign of cruelty and oppreſſion he had not likewiſe been found to be a lyar convict. Had not his letters been intercepted by which he declared (even at the time of his moſt ſolemn aſſurances) that he never meant to perform the promiſes he made to his people; had not theſe letters been intercepted, a tranſcendent act of edifying juſtice had miſcarried, and Charles would never have been brought to the block. I am ſorry ſir, that the reverend preacher can find one advocate in this houſe to join with him in recommending the virtues of tyranny, treachery and falſehood to his preſent majeſty for immitation. Sir the chief inducement to the preacher for wiſhing his Majeſty to copy cloſely the bleſſed Martyr's example, is the only argument I know that can be urged againſt the preſent motion: The cenſure of the Houſe of Commons upon Mainwaring, Dr. Nowell's Predeceſſor, for the ſame doctrine, produced to that preacher a Biſhopric; the doctor hopes and I fear that our cenſure will have the ſame ſucceſs."

Sir William Dolben roſe only to ſay that, whatever others might have acknowledged, he (Sir W.) never had and never would confeſs that Charles the Firſt was a Tyrant; on the contrary that he conſidered that Monarch as a perfect Pattern for Royalty. He added, that he hoped every little piece of miſconduct or error of a miniſtry or even a King was not to be counted Tyranny.

The queſtion was then put to expunge the thanks, and was carried without a diviſion.

Imme-

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Immediately after this reſolution of the Houſe of Commons, *the curioſity of the Public to peruſe ſo curious a performance, was greatly excited. The Sermon was in a day or two not to be bought any where, owing either to the great demand for it, or, as it has been ſtrongly ſuſpected, to the Doctor's having ſuppreſſed the further publication of it, and having by himſelf and agents bought up all that were in the Bookſellers ſhops, the latter conjecture is probable as the publiſhers on application to them, inſinuated that the ſermon was out of print, and they believed would not be reprinted. Thus, in all probability, would this precious morſel of Tory Eloquence have been but little known, had not a patriotic Member, cauſed it at his own expence to be reprined, together with ſome critical remarks on it.—This publication may, now be had of any of the Bookſellers in Paternoſter Row.*

Debate *on Mr.* Sawbridge's Motion *in the Houſe of Commons for leave to bring in a Bill to ſhorten the Duration of Parliament.*

Mr. SAWBRIDGE.

MR. Speaker, The motion I am now going to make is preciſely the ſame as that which I made in this Houſe laſt year. My own want of health, and ſome other reaſons, delayed it ſo late in the ſeaſon laſt year, that I was conſtrained to make it then in a very thin Houſe: to prevent a ſimilar ſituation this year, I took the liberty to deſire a call of the Houſe: notwithſtanding which call, I am concerned to ſee a queſtion of ſuch great national importance ſo poorly attended by the members. I can pretty well underſtand the meaning of this inattention: the miniſterial gentlemen, who are liberally paid for oppoſing every meaſure that would be beneficial to the people, think it ſufficient (becauſe it will earn their wages) if they come here ſoon enough to give their votes againſt it. I will not, Sir, take up your time by apologies for my own inadequate abilities; let thoſe who have greater, apologize that ſuch taſk is left to me: however, I will leſſen that objection, by ſtating what I have to ſay as conciſely as poſſible.

"That legal, equal, and free ſyſtem of government, which is either our conſtitution or its foundation, was firſt introduced into this kingdom by the Saxons. It was a leading principle with them, that wherever an officer, who was intruſted with power, could by the abuſe of that power, prejudice the people, that officer was elective; and thoſe elections were at leaſt annual, if not more frequent. When the Heptarchy was reduced to a Monarchy under Alfred, all the Saxon laws and cuſtoms were recognized, and an act was made, that a parliament ſhould be held twice a year at leaſt,

In

n the time of Edgar the ſame ſtatute was re-enacted; and this ſyſtem was religiouſly adhered to till the Norman conqueſt. At that period a violent ſhock was given to our excellent conſtitution; that legal, equal, and free form of government, which had been enjoyed in this nation for five hundred years, gave place to a monarchical tyranny. The common law of England was in part aboliſhed; and the civil law, which had prevailed in Normandy, introduced in a great meaſure in its ſtead.

From this time all was in a ſcene of confuſion; perpetual civil wars between king and people; the kings endeavouring to eſtabliſh an abſolute power, and the people to reſtore their laws and liberty. In theſe conteſts the people almoſt always prevailed; in conſequence of which the Kings as often engaged ſolemnly to reſtore the antient conſtitution; theſe ſolemn engagements they never, but as far as they were compelled, obſerved; at length the people, wearied out by royal treachery, and not chuſing any longer to truſt theſe kingly promiſes, compelled King John, whom they had in their power, to ſign the Great Charter. In that charter it is ſtipulated, that parliaments ſhall be reſtored. And accordingly (King John dying immediately after this ſtipulation) a parliament was called under his ſucceſſor; but no truly conſtitutional parliament was held till the reign of Edward the Third. In his reign, an act was paſſed that a parliament ſhould be held once a year, or oftner if neceſſary. That king reigned fifty years, and we have an account of fifty-four Parliaments during that period; ſo that it does no appear that he himſelf kept ſtrictly his own law of holding a Parliament once every year: however, of this we are ſure, that no parliament continued longer than one year. We do not meet with any long parliaments till the reign of Henry VIII. that King, I believe even in theſe times, and even by this Houſe of Commons, will be allowed to have been a tyrant. Having attempted many wicked meaſures which he could not carry to the utmoſt of his wiſhes with parliament, he determined to try what he could do without parliament; and for that reaſon, during ſome years of his reign, called no parliament. At length however, having more ſchemes againſt the conſtitution, to which he thought it adviſeable to give the colour of law, he employed his miniſters and creatures to attempt to get a parliament returned, which would be entirely ſubſervient to his will. In this his ſucceſs was equal to his moſt ſanguine wiſhes; for to that parliament were returned a great number of King's friends. By means of thoſe his friends

friends, finding himſelf able to carry his worſt purpoſes, he was in no hurry to part with ſuch a parliament: he therefore continued them by prorogation ſeven years; till at length either aſhamed of what they had done, or afraid of what they might ſuffer, did themſelves petition to be diſſolved. Such was the honourable example of the firſt ſeptennial parliament, which was ready to approve and ſanctify any bloody or deteſtable act of this flagitious tyrant. The next parliament, which ſat for any conſiderable length of time, was the long parliament under Charles the Firſt. Of their proceedings, the opinions of mankind are various; for my own part, I do not by any means intend to cenſure their conduct upon the whole, or to defend every one of their meaſures. The ſecond long parliament was that under Charles the Second; which (before men had ſeen the preſent) was, by way of diſtinction, reproachfully called the penſioned parliament. It is notorious of this parliament, that when any ſcandalous Royal meaſure had been carried in that Houſe of Commons, the members were invited to dinner, and found under their reſpective plates, the ſums which each man's proſtitution was proportionable thought to deſerve.

"To remedy this evil of corruption, ſoon after the revolution a triennial bill was propoſed. The meaſure frequently miſcarried. It once paſſed both Houſes, but King William refuſed his aſſent: however the patriots of thoſe days were not eaſily diſcouraged; they were not diſmayed by their defeats, but increaſed their ardor in proportion to the occaſion for it; they preſevered, and at length, in 1694, the triennial bill paſſed, and became a law. Againſt that law, however, ſome of the *worthies* of that age proteſted: and their proteſt was in the following words:—"We do diſſent from this vote; becauſe it tendeth to the continuance of the preſent parliament longer than, as we apprehend, is agreeable to the conſtitution of England."—Two years after the acceſſion of the Houſe of Hanover, the ſeptennial bill paſſed. The beſt method of knowing the motives of thoſe people who introduced and ſupported this meaſure, is to collect the arguments they uſed in its favour at the time the queſtion was agitated: the only reaſon pretended, was, that there had been a rebellion the year before, and that they were apprehenſive, if the parliament did not ſit beyond its uſual time, they ſhould be fruſtrated in the great meaſure which they had at heart, namely the ſettling of the preſent family on the throne. I am in my own mind convinced that the reaſon given was their

true

true reaſon: I have ſo high an opinion of thoſe men that I cannot bring myſelf to think, that if they had foreſeen the miſchiefs conſequent to that law, if they could have imagined the ſhameleſs corruption and proſtitution which we ſee at this day, I cannot imagine they would ever have ſuffered, much leſs promoted the fatal Septennial Bill. From that moment to this hour a general ſyſtem of corruption and venality has prevailed in this Aſſembly; and men elected into this Houſe, no longer conſider themſelves as repreſentatives of the people, but as perſons who have purchaſed a beneficial leaſe; which they are by all, and by any means to turn moſt to their own advantage. That this, Sir, in our preſent ſituation is abundantly proved by the experience of every day, Sir, you have ſilently heard in that chair more than one Member of this Houſe dare to aſſert, that their conſtituents have no right to inſtruct them, and that they do not think themſelves under any obligation to obey the inſtruction of thoſe who ſent them hither.—Sir, if, any further argument was wanting to juſtify my motion for leave to bring in a bill to ſhorten the duration of parliament, his Majeſty himſelf has moſt graciouſly been pleaſed to furniſh the ſtrongeſt in its favour: I mean the anſwer which he has been adviſed to give to the petition of *ſixty thouſand electors of* England, who have petitioned him for a diſſolution of this Parliament; their petitions, Sir ſet forth, that this Houſe of Commons has violated the right of Election; and that their conſtituents have no farther confidence in them, but diſclaim both them and there proceedings. To all theſe petitions, except one, his Majeſty has been ſilent, diſdaining even to anſwer to his ſubjects: to one of them indeed he was conſtrained to reply, and therefore his anſwer to the City of London muſt be conſidered as the anſwer to them all. He tells them, mocking their dutiful expreſſions, that, "he ſhould ill diſcharge the duty of a *father to his people* if he made ſo unconſtitutional a uſe of his prerogative to diſſolve his parliament at the requeſt of the electors, who ſtate that they are not their repreſentatives, I ſhall take leave to tell you what his Majeſty has been adviſed to think are conſtitutional and proper uſes of his pregative. It is a conſtitutional uſe, it ſeems, of his prerogative, to iſſue an illegal proclamation. It is a conſtitutional uſe of his prerogative, to grant a *noli proſequi* when a grand jury finds bills of indictment for breaches of the peace. It is a conſtitutional uſe of his prerogative to appoint to offices of great public truſt, *Popiſh recuſants* incapacitated by law. It is a conſtitutional uſe of his prerogative, to direct his troops

troops wantonly to butcher his helpleſs unarmed ſubjects; to ſupport, defend, and reward ſuch as were moſt active in that butchery, and to return formal public thanks to them allfor their alacrity in deſtroying thoſe by whoſe honeſt induſtry both he and they are fed. It is a conſtitutional and an honeſt uſe of his prerogative, to order for execution miſguided poor men, who were convicted upon a ſurreptitious rider of an unreaſonable penal ſtatute; notwithſtanding the whole court before whom they were tried, joined in repreſenting to him that they did not believe the parties guilty, and recommended them as proper objects of his mercy. It is a conſtitutional uſe of his prerogative to pardon malefactors, convicted on the common law of England, of the moſt attrocious and aggravated murders; notwithſtanding the Judges before whom they were tried, repreſented to him, that they were convicted by the cleareſt evidence, and were by no means proper objects of his royal mercy. It is a conſtitutional uſe of his prerogative to prorogue a Parliament in a ſiſter kingdom, when regulations were to be made without which their manufactures could not be carried on, and when none of the private buſineſs for the advantage of the country was finiſhed; merely becauſe they acted as the real repreſentatives of people, and would not lend themſelves to ſupport the pernicious meaſures of the crown. It is a conſtitutional uſe of his prerogative to diſſolve the American aſſemblies (though not requeſted by the Electors) becauſe they would inſiſt on preſerving the rights of their conſtituents, and would not become the creatures of the royal governors.——Such, and many more ſuch, are the uſes which his Majeſty has been perſuaded to make of his prerogative. Both the uſes which he has made, and the uſes which he has not made of his prerogative, added to the abuſes of his parliament are inconteſtable reaſons for my motion. This, Sir, is all I ſhall at preſent ſay upon the queſtion: If any objection ſhall be made, or argument urged againſt it, I reſerve myſelf to anſwer them as well as I am able. I will not therefore now take up more of your time, but conclude with a motion that leave be given to bring in a bill, to ſhorten the preſent duration of parliaments."

[*The remainder of this Debate in our next.*]

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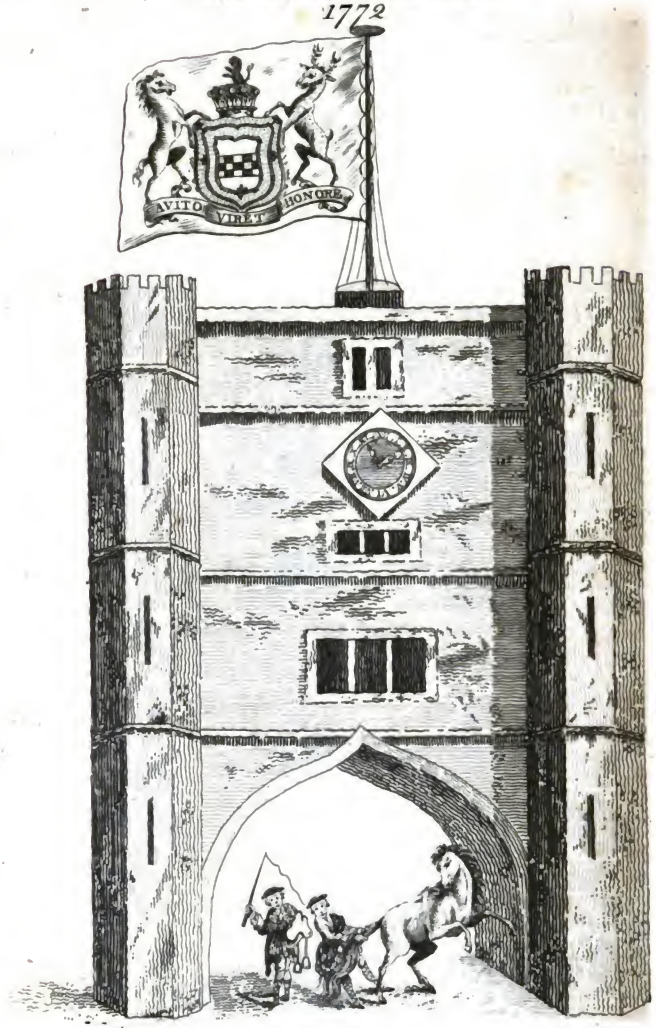
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1772



He rules as absolutely, & with as much indignity to every depar
ment of administration, as when he openly held the reins of Government.

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THE

POLITICAL REGISTER,

For MAY 1772,

NUMBER LXIII.

To the Printer *of the* Political Regiſter.

SIR,

THE Royal Marriage-Act has at length, I find, taken place, notwithſtanding the ſtrenuous oppoſition made to it from a variety of motives. I do not in the main find fault with it, the notion being quite natural to all parents to have it in their power to diſpoſe of their Children in Marriage; and much more is it ſo to Kings, who by having the ſucceſſion in rightful heirs to make proviſions for, cannot be too ſollicitous that nothing in their marriage-connections ſhould derogate from family-dignity, and the honour of the nation.

Thus far this act may be culculated for good purpoſes; but I think, and ſhall always think, that in a goverment, ſuch as ours, it is throwing too much into the ſcale of royalty, to veſt a King with ſuch powers, as we are not

ſufficiently apprized, and may never fathom, what views he he may have, and what attempts he may make, to alter the ſucceſſion at diſcretion. It would have been therefore more eligible to have left this diſcretionary power in the hands of the Parliament, with this clauſe, that as by the laws of God and conſcience, nothing ought to be ſo free as marriage-contracts, ſo any of the Royal family might marry with whom they pleaſed, and with full and uncontroled liberty in their choice; but ſhould not be provided for by the ſtate, without previouſly conſulting the national wiſdom in Parliament, and obtaining its conſent. This is putting a Britiſh Royal Family, as is rational it ſhould, on the footing of the children of the commonwealth, to be honourably dealt with, if found obedient to her directions, but puniſhable by ſuch mark of diſgrace if contrary to admonition, they abided by the ſuggeſtions of their own will. The iſſue too of ſuch marriages may be incapacitated to ſucceed to the crown.

The marriages of Engliſh Princes of the blood royal, ought therefore to be contracted with liberty, becauſe it is of the eſſence of marriage to be free; but in conſequence of ſuch regulation of parliament for national advice and approbation, it cannot be ſaid that this liberty conſiſts in the power of marrying with whom the ſallies of paſſion may prompt them, on the conditions, and in the time, that may ſeem agreeable to their fancies. Liberty in general, ſays, Ulpian, conſiſts in nothing elſe, but the power of doing what the laws permit; and ſpeaking particularly of marriage, he ſays, that this liberty is grounded on the power of contracting it after the manner that the laws give leave. The ancient *juriſprudence* acknowledged no marriages to be lawful, but thoſe which were conformable to the laws of the ſtate; and here we muſt place a diſtinction between the legalty and validity of marriage. The validity of marriage is ſo at the bar of conſcience, and before God: no human laws can deſtroy its obligation; neither can their force extend farther than to pains and penalties. A clandeſtine marriage within the realm of England is not legal by the marriage act, but it is not the leſs valid and obligatory in conſcience before God for being clandeſtine. This is a point of view we muſt not loſe ſight of. Civil liberty holds the middle between two extremities, which are, ſervitude, and an abſolute licence for doing whatever one pleaſes. In this ſituation it can neither be the one, nor the other; becauſe this not being in the abſolute dependance of ſervitude, it has never the

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leſs received from laws other bounds than lie at its own diſcretion ; whence it muſt conſiſt in the licence of doing that which the laws permit.

In moſt of the arbitary Courts of Europe, the marriages of the Royal and Princely children are not free. In France, the Princes of the blood are prohibited, by a fundamental law of the ſtate from marrying without the leave of the King, and never have the liberty of contracting marriage of their own authority. We ſhould be apt to conclude from a regulation of this kind, that the contracts of thoſe, who are ſo far incapacitated from being maſters of themſelves, are of no validity, if not authorized by the King, on whom they depend. But where ſhall we find a reaſon for this ? we cannot ſay but that theſe contracts are entered into willingly, as otherwiſe they could not be called contracts ; and this is ſo evident that it is impoſſible to diſavow it : yet it is true, that they are not engaged in according to the preſcript of civil liberty, I mean that, which is regulated by the laws, which gives them full force both as to legality and validity: For if validity was alſo deſtroyed by the preſcript of civil liberty, of courſe that uſage muſt be annihilated in like manner, tho' founded on a rule of right, which ſays, " That what belongs to us, cannot be taken from us without our conſent."

It muſt therefore be abſurd, to think, that any human law can ſuperſede the law of God, and of conſcience ; or that it can be ſuppoſed, that a man conſenting to marry without the condition of civil liberty, has not the power of diſpoſing of himſelf by reaſon of his dependance on a ſuperior power, and in conſequence of this dependance has no manner of power over himſelf, and cannot take to himſelf a woman in marriage.

The perſon, whom this act was apparently intended to affect is not within the letter of it, his marriage being both legal and valid ; legal, as not comprehended in the laſt marriage act, and valid, as he indiſputably had the power of diſpoſing of himſelf in marriage. It ſeems therefore after all that nothing more has been done by the whole procedure, than to open wider the breach, and ſow diſſenſions in the ſtate by perpetuating a coldneſs and miſunderſtanding between the branches of the royal family. It often happens that the indiſcretions of youth are attended with lucid intervals, and ſome of theſe ſo permanent, that wiſdom takes the place of folly ; and he, who had been held out as an object of ridicule to the people becomes inſenſibly their idol, when experience has at length convinced them, that he is totally reclaimed, and invariably purſues good courſes.

Whence this political reflection will have its uſe, that the miniſter who ſhould attempt to ingage in great deſigns abroad, ought firſt to conſider if all at home be right, no cauſes of animoſity ſubſiſting in the ſtate, no miſunderſtanding between the branches of the royal family. The union of the principal qualities is what preſerves our bodies in a proper degree of health. Encroachments of all kinds are a violation of natural juſtice; they break the union of minds, and minds being once diſunited, trouble and confuſion muſt enſue. Who is ignorant that the union of the governing powers in a kingdom, and particularly that of the royal family, is the moſt aſſured foundation of peace and felicity to the ſubject? They cannot be diſunited from the ſovereign, and none of them can attempt to enterprize any thing againſt his authority, without breaking through the laws of juſtice, and breaking likewiſe their own union, which muſt expoſe the ſtate to great calamities. This thought is of Micipſa in Saluſt. And Cyrus inſtructing his ſon Cambyſes, gave him for advice, to maintain the harmony of friendſhip with his kindred, and even to grant them advantages ſufficient to content them, as ſo doing ſhould make him beloved by his ſubjects, who never imagine a Prince capable of friendſhip, that does not love thoſe of his blood. This conſideration may be the more important, as Tacitus ſays, that it is uſual with the People, to entertain a particular affection for the Prince's relations, when they ſee them hated by him without reaſon, giving an inſtance of the love the Romans bore to Germanicus, which increaſed in proportion to Tiberius's hatred of him: For it is evident that this particular affection of the people, would put great advantages in their power for diſturbing the ſtate, and might ſupport them in caſe of a revolt. And as it can hardly happen that the ſovereign's relations may remain unappointed, and without departments to direct in the ſtate, how ſhall they acquit themſelves of their duty, if ſuffered to live at variance with him, and to engage in parties and cabals to his prejudice? would not this be evidently expoſing him to the danger of civil wars, of which we have but too many examples in our hiſtory?

The Torment of KINGS.

A King died without leaving behind him an heir, and by his will gave away the Crown to him who after his death ſhould firſt enter the city of his reſidence. A poor labouring man appeared at the gates when the King had expired, and was inſtantly crowned. He had inteſtine and foreign wars to ſuſtain, commerce to revive, taxes to leſſen, arts to make flouriſh, ſubſiſtance

ance of his people to provide for. He learned to put things in a ſhort time on a good footing, becauſe he had common ſenſe; and ſucceeded in all, becauſe he ſincerely wiſhed to do good; but he was full of cares and overwhelmed with uneaſineſs. An inhabitant of his village came to ſee him, and ſaid: Thanks be to the All-powerful God, with whom nothing can compare who has raiſed you to ſo a high degree of glory and power! Ah! friend, ſaid the king, inſtead of thanking God, aſk him to give me courage and patience, pity inſtead of felicitating me: In my former ſtate, I only ſuffered by my own wants; but now I ſuffer by the wants of every one of my ſubjects.

To the Printer *of the* Polttical Regiſter.

SIR,

NOTHING for ſome time paſt has ſhocked me ſo much, as an account I lately read in Bingley's Journal of the manner of ſpending life and killing time, which has been adopted as ſomething ſuperlatively exquiſite at Buckingham-houſe. I cannot think that there is any truth in the narrative, and that it muſt therefore proceed from malevolence; for who could imagine that a plan ſo abſurd, ſo ſavouring of folly ſhould be ſo almoſt invariably purſued by rational beings, forbid it decency! Forbid it wiſdom! Forbid it Majeſty; I wiſh never to hear more of it. If the caſe, however, might be ſo, we have juſt reaſon to lament over human nature which is prone to take to bad ways, when unaſſiſted by lights thrown round it from proper education. If therefore you think, Sir, that the incloſed letter from one friend to another, *On the Education of Children, and particularly that of Princes*, would prove entertaining in your regiſter, it is at your ſervice from your conſtant reader and correſpondent, Y. Z.

Dear Sir,

I AM ſo perſuaded that a good education is of all means that which contributes moſt to the well-being of human nature, that I cannot help admiring the inſtitutes you are endeavouring to train up your ſon in.

Far from convincing the world that you had any thoughts, according to the preſent mode, of making him acquire qualifications more flaſhy, rather than juſt; of giving him a turn for external politeneſs rather than ſentimental impreſſions; of teaching him the world, rather than making proviſions for the ſecurity of his modeſty and virtue; you on the contrary exert yourſelf from the idea of excellent models, to make him as perfect as nature herſelf may require.

I ſay nature; for if it be true what Rouſſeau ſays, that nature made us for living in a ſtate of ſeparation from one another, all our care would then be to no purpoſe. In that ſituation, inſtinct alone would be ſufficient, and we ſhould be the more happy, as regardleſs of our like, we would ſhew leſs attention to them, and retain more affection for ourſelves.

But even in that ſtate, as being immerſed in idleneſs and addicted to maleficence we, ſhould be a greater nuiſance to the earth we lived on, than the moſt ſavage beaſts; and our ſtupid exiſtence would be as fatal to our fellow-creatures, as theirs would be to us by a like exceſs of pride and brutality.

It cannot indeed be ſo; for deſtined to live in ſociety, I mean to form a community of our abilities and talents; reduced to borrow helps that are wanted to us; obliged, for our own intereſt to make a return of thoſe we have received: Beings, in ſhort, neceſſarily dependant on each other, we ſtand in need of ſentiments to unite us; and theſe ſentiments which nature inſpires us with, good education muſt cauſe to ſpring up, muſt depurate, and nurture.

There is nothing but the good uſe of wit and knowledge that can compenſate the trouble we take in acquiring them; and indeed it would be of little ſignificancy to attain degrees of knowledge ſurpaſſing thoſe of other men, if we had not learned by education the art of living with them, and by mutual ſervices, the ſecret of attracting their love and eſteem.

As long as the world ſubſiſts we ſhall ever meet with jealouſy, hatred, injuſtice, fraud, revenge, treachery, as ſo many obſtacles to the union of hearts; yet will not good education blunt in a great meaſure the edge of their malignity, and after all our reflections on the ways to happineſs, ſhall we be able to find any other, than that pointed out to us by gaining the eſteem and friendſhip of men? It is this precious felicity, eſpecially to a well inſtructed mind, that can induce it to make a ſacrifice of glory, ſo it can but retain honour; and this felicity is not the effect of conſtitution, the work of reaſon, the appendage of dignities, the advantage of riches. In vain ſhall we ſeek it in ourſelves; it is in the hands of our like, it is from them we muſt expect it; we can do nothing but deſerve it. But how otherwiſe ſhall we deſerve it unleſs it be by acts of beneficence, by unaffected politeneſs, by ſincerity in dealing, by undiſguiſed integrity, and by as many marks of eſteem as we ſhould deſire a return of?

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If this be the ſtate of the caſe, as in fact it is, it will be loving ourſelves truly, to love others, who are only capable of making an eſtimate of our talents and our virtues, the only whoſe ſuffrages recompenſe and ſupport merit, the only authors of the happineſs which flatters us moſt, and which it intereſts us moſt to poſſeſs.

I aſk what would become of our moſt eſtimable qualities, if there were none who ſhould think it worth their while to eſteem them. Shut up within our own hearts, where they would be to ourſelves only a ſubject of complacency, they muſt ſoon loſe all their value; or they would turn out an object of indifference, and then nothing could induce us to ſupport them. In the firſt caſe, our pride, if it was known, would draw upon us nothing but hatred. In the ſecond, our indolent coldneſs would draw upon us nothing but contempt. In both caſes, all merit would be quickly annihilated.

It is therefore true that we owe to thoſe whoſe eſteem we ſeek, that which contributes moſt to our perfection; and thence I infer that we cannot too much inſpire young people with the love of that eſteem. It is in reality the leaſt frivolous and moſt flattering happineſs; and to deſire that happineſs, is not indeed a virtue, but a ſort of neceſſity, which the welfare of human beings, and nature herſelf impoſe on us.

It is an indubitable fact that this deſire excites and gives life to the leaſt talents, and enriches ſociety with all the degrees of merit which wou'd have been loſt to it, whether a daſtardly indolence ſhould keep them buried, or proud timidity could not prevail upon itſelf to produce them, or a ridiculous modeſty had made them prove abortive.

We ſhould therefore be far from neglecting to give mankind an early knowledge of the importance of this love of conſideration, the ſource, or at leaſt the ſupport of our virtues, it being equally uſeful and neceſſary to make young princes ſenſible of it, notwithſtanding their elevated condition of life.

It is however certain that this love, which carries us ſo powerfully to all that may be capable of raiſing the dignity of our nature, makes commonly but languid impreſſions on men born in the affluence of all things, and who for the moſt part, having no wiſhes to form, and being able at pleaſure to realize, or render fruitleſs thoſe formed within their dominions, expect nothing from other men but ſubmiſſion and reſpect.

But if we look to the order of providence, and conſider that this world is governed by conſummate wiſdom, we have reaſon to require, if not a perfect image, at leaſt one that may bear ſome reſemblance to it, in the government of the people com-

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committed to the care of princes, whom we ſuppoſe commiſſioned to act as God's vicegerents upon earth. The whole education of a prince ſhould therefore be directed to the purpoſes of wiſe government. He ſhould be particularly intelligent in the hiſtory, laws, uſages, and cuſtom of the countries, and his mind ſhould be adorned with all uſeful ſcience, that ſeeing all with his own eyes, and underſtanding all with his own mind, he may be able to judge between God and his People. Thus it is that he will find himſelf, in conſequence of the power he is veſted with, holding to other men by an infinity of duties, and that if fortune has nothing to offer him which he has not received from birth, there remains ſomething more great and more happy to be deſired by him, I mean the love of his people on account of his wiſe and virtuous adminiſtration, and particularly that ſort of love, which eſteem is creative of, and which becomes ſtronger and more effectual than duty. *Pueri ludentes, Rex eris, inquiunt, Si recte facias.*

Yet how much is to be lamented, notwithſtanding all its external brilliancy, the conditions of Kings! Brought up in the center of paſſions, it is almoſt impoſſible for them to guard againſt them, and they are ſcarce ſuffered to perceive the danger of thoſe to which they have the misfortune to deliver themſelves up. Seldom diſturbed by reproaches, or even by advice, ſeldom checked by any obſtacle, their paſſions, at length become as arbitrary as themſelves; and be they what they may, whether vicious purſuits, or frivolous amuſements, they are ſure of finding ſycophants to reſpect, applaud, indulge, and even juſtify them.

How many courtiers are there who not able to exiſt but by the weakneſs of their maſter, are in dread of his virtues as much as a diſgrace; and who inceſſantly induſtrious to nurture in his heart the perverſe propenſities they have planted in it, make a traffick of his glory, and enrich themſelves at the expence of of his indifference for maintaining it.

There is nothing but the deſire of being beloved which can ſecure a prince from the fatal ſnares which encompaſs him on all ſides. To make him therefore ſenſible of the value of that love is the end to which all the cares of his education ſhould tend; and who can be ignorant that this love is infinitely more flattering than a forced obedience, which but too often fills with trouble and vexation him that pays it, and always accuſes him of guilt that requires it?

It is not commonly, neither the thirſt after gold, nor the paſſion for honours, that make King's ſhew an indifference for the love of thoſe whom chance has ſubjected to their government. Born in ſplendour and opulence, their fruition runs

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almoſt to ſatiety, ſo that what ſeems to give them leſs arduous for captivating the hearts of other men, is not ſo much a taſte for pleaſures that ſtupify the ſenſes, enervate the bodily frame, and degrade the man; as that mean notion of ſeeking pleaſure amidſt ſuch inanities, follies, and ridiculous amuſements, as muſt of courſe degrade the King.

But in general, how inſipid are all pleaſures comparatively with the agreeable emotion excited in the heart of a prince by the tender return of a beloved people! And of what ſignificancy can pleaſures be which coſt nothing in wiſhing for them, which exceſs gives a diſguſt to, or from which ariſes continually the want of other pleaſures, and of ſtill greater pleaſures, and which ſpent and worn out by habit, reſemble perfumes that loſe their virtue by the too frequent uſe made of them?

There is no true and ſolid contentment for Kings, but that which eſtabliſhes a conſtant mutual tenderneſs between them and their ſubjects; and this mutual relation ſhould be as that which ſubſiſts among all the Beings of nature, and without which, the world would ſoon be annihilated. In fact, if ſtates periſh becauſe there are bad ſovereigns, it is not leſs true that they likewiſe periſh, and perhaps even ſooner, becauſe few of the ſubjects are ſincerely attached to their Princes. It is this harmony of the head with the limbs, which makes the ſovereign ſo much the more happy, as being ſenſible from the love of his ſubjects that even if birth had not brought him to the throne, the ſame love would have placed him on it; but how ſhould he enjoy ſo perfect a ſatisfaction, depending on a multiplicity of ſentiments ſo difficult to be united, if he had not procured it for himſelf by an acceſs always free and open; by an affability which, ſeeming to ſuſpend the rights of ſovereignty, acquires for him a greater ſhare of homage; by a liberality of diſcernment, and not of prepoſſeſſion or caprice; by a due regard for the liberties and even prejudices of the people; and by a ſort of turn of mind, wiſdom, and precaution, which teaches to govern with reſerve, and according to occaſions, to give way with dignity.

How many are the duties comprehended in theſe few words, yet I ſhall venture to add to them, that a Prince ought to know how to make clemency keep pace with juſtice, ought to ſweeten the bitterneſs of reproaches with the mildneſs of expreſſion, diſtinguiſh a foible from a vice, ſubſtitute pity to indignation, be rather ſollicitous to reclaim than puniſh thoſe who have had the misfortune to diſpleaſe him, and, as heaven ſo often irritated by all ſorts of crimes, keep in ſtore more thunder for frightening, than thunder bolts for deſtroying.

Happy therefore the Prince, who in order to attract the love of his People, leaves nothing undone that may make him deſerving of it, and who in this view, endeavours to manage his finances with oeconomy, and properly expends them without regret; who takes pleaſure in rewarding merit, and who ſometimes under a neceſſity of refuſing, has the good grace notwithſtanding of obliging in his refuſal; who ſtudying how to contract the ſpace that ſeperates him from his ſubjects, raiſes them to him the better to hear their complaints, or vouchſafes to deſcend to them to be better acquainted with their wants; or who in fine. by an authority without pride, and by a goodneſs without weakneſs, obtains from them what his dignity has not a right to require, a love of eſteem and of confidence, which uninfluenced by fear, becomes a paſſion approved of by reaſon, animated by gratitude, ſupported by intereſt, and inflamed by the general good of the Country.

This is the love, which a good King has the happineſs to to ſee paſs during his life to his children, and which, becoming in them a natural ſentiment is perpetuated from generation to generation, from age to age. So it is we ſtill love ſuch Princes as Trajan and Marcus Aurelius. The love of their ſubjects, impreſſed, as it were, on our nature, has been tranſmitted to us amidſt the wrecks of a number of thrones filled by Princes hated or deſpiſed; it has been tranſmitted to us with life, and thoſe indebted to us for their being, will in like manner, conſign it over to their poſterity.

It is therefore true, that of all the good things in the poſſeſſion of Princes, the love of their ſubjects is the moſt capable of ſatisfying their ambition. It will be always ſeaſonable to make them ſenſible of its advantages, but more particularly in early youth. Like unto theſe characters, marked out on the bark of young trees, which grow, widen, and expand with it; ſo this deſire in youth will be more eaſily graved on the heart, will afterwards diſplay itſelf with more force and energy, and mingling with their inſtinct, will become in time as a part of themſelves.

This truth thus acknowledged as eſtabliſhed, I ſay, that if it highly concerns Princes to make themſelves beloved by their ſubjects, it is ſtill more indiſpenſable for men in general to ſtudy the means of acquiring the eſteem and friendſhip of their like, and this ought to be one of the firſt principles of their education; becauſe no other can be fitter to make them happy, more capable of maintaining order and peace in the world, and making but one family of all the ſubjects of a ſtate.

Thoughts

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Thoughts upon ſeveral Subjects.

WHEN we are young, the opinion of the world governs us, and we ſtudy more to be well with others than with ourſelves. Upon the verge of old age, we begin to find leſs precious what is foreign to us; and nothing ſo highly concerns us as ourſelves, though we are on the point of ſeeing this ſelf care of little or no effect to our ſatisfaction.

It is with life, as with all other valuable things we are thought to be poſſeſſed of: All is diſſipated when we fancy our ſtock to be great; or œconomy does not come exact but to manage the little that remains to us. Young people are obſerved to be laviſh of their being, when they believe they ſhall keep long poſſeſſion of it, but we become more endeared to ourſelves, the nearer we perceive the approaches of fatality. However, in this languid ſtate we may ſtill preſerve to ourſelves ſome pleaſures; yet let us be aware of flattering the ſuggeſtions of ſelf-love. If we find all the ſentimental ſprings of vice ſlackened, or even quite decayed, to what muſt we attribute this change? To the weakneſs of a worn-out body, or to the moderation of a mind, become wiſer than it was before? The truth is, we have juſt reaſon to fear, that the alteration is more owing to the infirmities of age, than to the advantages of virtue; and that we ought rather to be concerned for, than rejoice at the tractableneſs of our motions.

A man might be happy by the entire excluſion of certain paſſions, and by granting only admiſſion to ſome others. His days would thus dawn amidſt the ſmiles of peace, and cloſe with the ſenſe of pleaſure. His actions would be uninfluenced by fear, ſorrow, hatred, and jealouſy. He would deſire without inquietude, and enjoy without tranſport.

The ſtate of virtue is not a ſtate without trouble, we ſuffer in it an eternal conflict of inclination and duty. Some times we take up with what offends, ſometimes we reſiſt what pleaſes us; finding it almoſt always painful to act when obliged by duty, and likewiſe to abſtain from what we are prohibited. But the ſtate of wiſdom is eaſy and gentle: It reigns in peace over the movements of the ſoul, and governs as ſubjects the ſentiments virtue fought againſt as enemies; ſo that there can be no internal combat between paſſion and reaſon.

The idea we entertain of ourſelves by only conſidering our interior, is always ſomewhat confuſed. The external image appears always in the trueſt light; hence, the opinion of our merit loſes the half of its charm the moment it is produced; ſo that the complaiſance of ſelf-love vaniſhing inſenſibly, leaves us diſguſted with its ſweets, and quite aſhamed of a vanity, as fooliſhly conceived, as judiciouſly relinquiſhed.

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Too many precepts cannot be laid down and inculcated for making men juſt; for they have naturally too great a propenſity to be otherwiſe. It is juſtice that has eſtabliſhed and preſerves ſociety. Without juſtice we ſhould ſtill be a vagabond multitude; and without it our impetuoſities would throw us into the primitive confuſion we are now happily extricated from. Yet inſtead of acknowledging with pleaſure this advantage, we think ourſelves cramped by the happy ſubjection it keeps us under, and we ſtill ſigh after a fatal liberty that would be productive of the greateſt misfortune in life. When the ſcripture ſpeaks of the ſmall number of the juſt, we are not hence to conclude, that integrity of life is hard to be found among us; but that we are little inclined to act as we ought through a principle of juſtice. If all the good that is commonly practiſed, was carefully examined into, it would be found to be purely the reſult of another virtue. Good nature, friendſhip, benovolence, claim their ſhare. Charity flies to relieve the wants of a neighbour; liberality gives, generoſity obliges. Juſtice, which ſhould take place in all reſpects, is rejected as a troubleſome gueſt; and it is only neceſſity that makes it an ingredient of our actions. Nature endeavours to pleaſe herſelf by qualities, wherein we act by an agreeable motion; but ſhe finds in juſtice a ſecret violence, as by it the right of others requires what we do; which, to add to our vexation, we muſt rather conſider as an acquital of our obligations, than that they remain indebted to us for any received benefit. It is alſo by a ſecret averſion from juſtice, that ſome chooſe rather to give, than to make a return, to oblige than to acknowledge. Thus, we ſee that the liberal and generous are not commonly the moſt juſt. The regularity of juſtice, as founded on a conſtant order of reaſon, oppoſed to the natural impulſe of liberality, is the very thing that fills them with diſpleaſure.

Thoſe, who are ruined by ſome accident of fortune, are uſually pitied by every one, becauſe it is an unhappineſs of the human condition to which all are ſubject; but they who become wretched through vain diſſipation, are rather objects of contempt than pity, becauſe they have brought misfortunes on themſelves by indulging ſome particular folly, which all think themſelves clear of in conſequence of the good opinion they have of themſelves. Add to this, that nature always ſuffers a little in compaſſion, and to get rid of a painful ſentiment, looks back at the folly of the prodigal, without proceeding to a near view of the wretch.

There are not ſo many ungrateful perſons in the world as is generally

generally believed, nor ſo many who may be ſaid to be poſſeſſed of the true ſpirit of generoſity. He who is ſilent in regard to the favour he has received, may be reckoned undeſerving of it. He who publiſhes that which he has done, converts it into an injury, ſhewing you the need you was in of him to your ſhame. A good man ought to be a little nice in receiving, and ſenſible of the obligation he has received. The perſon that obliges, ſhould be ſatisfied with the generoſity of his action, without thinking of the gratitude of thoſe whom he obliges. When he expects a return, the good he has done is no longer a liberality, but a kind of traffic which the ſpirit of intereſt was fond of mixing up with favours.

There is ſomething heroic in great liberality as well as in great bravery; and theſe two virtues are ſo far alike, that the former raiſes the ſoul above the conſideration of the riches of this world, and the latter extends courage beyond the care of life. But notwithſtanding theſe noble and generous impulſes, if both are not kept under a proper regulation, the one will become ruinous, and the other fatal.

Curioſity excites us to enquire diligently what ſhall become of us after death. We are too fond of ourſelves to conſent to our intire deſtruction. Self-love ſecretly reſiſts the opinion of our annihilation. The will conſtantly ſupplies us with deſires of ever exiſting; and the mind intereſted in its own preſervation helps this deſire with ſome light in a thing of itſelf very obſcure. Yet the body which ſees that it muſt ſurely die, as if it was unwilling to die alone, forms reaſons for involving the mind in its ruin: But the ſoul knowing that her action is independent of organs, perceives that ſhe can ſubſiſt without them. Some to penetrate into ſo hidden a myſtery, have called in to aſſiſt their reflections, the knowledge of the ancient and moderns; but after peruſing every thing that has been written on the immortality of the ſoul, the moſt ſenſible proof that can be found of the eternity of the mind, is our eternal deſire of always exiſting.

RETREAT.

A King's miniſter being diſgraced, retired into a fertile valley, which he was aſſiduous in cultivating. As he had not deſerved this reverſe of fortune, he eaſily found means to conſole himſelf, and inſenſibly took delight in the new kind of life he had embraced. The King, who had reaſon to eſteem his talents, began to feel the loſs he had ſuſtained, and paid him a viſit on purpoſe to deſire he would return to court; but the miniſter refuſed the King and ſaid: You raiſed me to the

firſt dignities; I firmly withſtood the agitations of grandure; you forced me to retire, I now taſte the ſweets of reſt, and I wiſh you would ſuffer me to enjoy them. To retire from the world, is drawing out the teeth of devouring animals, is taking away from the wicked man the uſe of his poniard, from calumny its poiſon, and from envy its ſerpents. The King inſiſting on his coming back, ſaid: I want a perſon of abilities, and a heart of integrity and goodneſs, to ſupport with me the burden of my governments, and in you only I can find the man I want. You will find him, anſwered the miniſter, if you ſeek him among thoſe who do not ſeek you.—This apologue ſhews, that thoſe who want to be in place, are not the fitteſt for the purpoſes of government.

To the eighty-three honourable Members *who ſupported, by their votes in the Houſe of Commons, Mr.* Sawbrdge's *Motion for ſhortening the duration of Parliament.*

Gentlemen.

WHEN the depravity of men in your ſtation is become almoſt proverbial; when that noble virtue, patriotiſm, which exalted almoſt to divine honours, the heroes of antiquity, is openly derided; when even to profeſs a love for your country is called folly, and ſucceſsful corruption is eſteemed an evidence of ſuperior abilities: I ſay, in an age like this, it would be diſgraceful to the ſons of ſcience to leave uncelebrated your generous conduct. Though venal wretches may proſtitute their pens in defence of meaſures which they either underſtand not, or know to be wrong; let men of liberal minds, and extenſive erudition, offer at the ſhrine of virtue alone, the ever grateful incenſe of praiſe.

We may reaſonable expect, from the ſpecimen we have had of your glorious diſintereſtedneſs, that even theſe degenerate times may produce a Britiſh ſenator, of whom it may hereafter be ſaid, as it was formerly of a celebrated Roman, *citius ſileme ſua ſphæradivelli quam Fabium ab honeſtate potuiſſe.*

In the annals of our own country we find æras when true patriotiſm formed the character of the people. Had you lived then, your extraordinary merit had obtained no diſtinction: and would to God that truth would not now permit me to aſcribe any reputation to you, at the expence of my country. But alas! it is too notorious, that if a good man can derive the leaſt addition of honour, for having acted uprightly in times the moſt unpropitious to public ſpirit, ye are entitled to it.

Though the enemies of freeom triumphed by their numbers, they were aſhamed of their proſtitution, and did not dare

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dare to enter formally into a defence of their principals. Chosen by the people for their guardians and protectors, they have not only basely betrayed their interests, but have employed every seducive art to corrupt their manners; and some, with incredible effrontery, now urge the want of that virtue which they destroyed, as a reason for enslaving them. The murderer might with as much justice claim the property of the wretch whom he has slain, as those assassins of the constitution, the continuance of privileges which they have unjustly usurped.

The right to elect representatives in parliament is an undelegated portion of natural liberty, retained by the people at the foundation of our monarchy. It is unconnected with, and independent of the legislative authority. Neither the King nor the lords can, without infringing the reserved rights of the commons, concern themselves either in extending or shortening the time appointed by the constitution, for the exercise of the elective power, because, being fixed parts of the legislative body, they act in their own persons; and, consequently, stand in no need of representation; and had our predecessors foreseen the evils which have ensued through inattention to this doctrine, they certainly would never have permitted them to interfere in enacting any laws relative to elections. We must here draw a line between the legislative authority, and the distinct rights of the people. The former is omnipotent whilst it continues, but its duration is limited to an unalterable period; and, when arrived at the extent of its constitutional boundary, its legal power ceaseth. It is dissolved by the operation of times, and can be prolonged by no legal process. What I have said implies no contradiction: and the idea may be perfectly ascertained, by recollecting the office of a dictator at Rome. For six months the Dictators authority was absolute and uncontroulable; but, at the expiration of that term his power was extinct. The perpetual dictatorships of Sylla and Julius Cæsar were usurpations simular to that which our Legislature assumed by the septennial bill. Both were notorious violations of the laws of their country, and both will terminate in the same fatal manner, if we, like the degenerate Romans, forget the virtue of our ancestors, and be weak enough to submit to so base a tyranny. Your unsuccessful attempt to destroy that infamous act, clearly evinceth, that, if we will emancipate ourselves, we must have recourse to other measures, and not vainly expect relief from that sink of corruption, which dishonours the name of a British Senate.

To some, perhaps, despotism yet appears in its infancy, and may therefore be thought not dangerous: but, nursed by bribery,

it

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it thrives a-pace; and depend upon it, if no precaution be uſed, the rapacious monſter will ſoon be too ſtrong for you to reſiſt.

Conſult the ſtatutes of the preſent reign, and you will ſee ſuch a chain of oppreſſive laws, that incredulity itſelf muſt be convinced, that a deſign is formed againſt the liberties of the people. Prerogatives of the Crown, not warranted by law, are acknowledged by parliament: the minds of the people are prepared for ſlavery, by legal reſtraints, unjuſt, oppreſſive, and even contrary to the law of nature; and the firſt corporation in the kingdom, under the ſanction of an act of parliament, has been diſpoſſeſſed of that property, which it had enjoyed for ages without interruption. Can any private man, after this, think himſelf ſecure in his poſſeſſions, if the minion of a court ſhould make them the objects of his wiſhes? Theſe are characters of tyranny ſo ſtrongly marked, that, unaided by opticks, the moſt ſhort-ſighted may peruſe them. The enemy hath taken the field, and if we prepare not immediately to meet him, both we and our poſterity muſt inevitably wear the inglorious yoke of ſlavery.

The ſeaſon is approaching when gentlemen of your rank uſually retire into the country; and you will then have an opportunity of diſſeminating amongſt the people an apprehenſion of their danger, and of inculcating thoſe juſt and noble ſentiments concerning government, for which our writers are ſo celebrated. Let not the name of faction frighten you. There are times when the greateſt ſervice a good citizen can render to the ſtate is to excite diſcontent. Had our forefathers fooliſhly dreaded the imputation of ſedition, they would not have tranſmited to us either civil or religious liberty. And ſhall we, through the puſillanimous fear of a little diſcord, be deterred from defending ſuch invaluable poſſeſſions? Beſides, the evils with which we are threatened, if we remain inactive, are greater, more certain, and in all probability will be of much longer duration, than thoſe which a legal oppoſition can poſſibly occaſion. The conſtitution is attacked by a moſt malignant diſorder, and, though the medicine preſcribed were ever ſo unpleaſant, we had better ſubmit to take it than periſh by the diſeaſe.

Immedcia de vulnus
Enſe recidendum; ne pars ſincera trahatur.

But avert, O God! the dreadful conſequences of an appeal to thee! I write not, thou knoweſt, with a ſeditious ſpirit. The natural and civil rights of my country are invaded, and I would wilingly protect them. In other nations I have ſeen the horrid

effects

effects of ſlavery; and my mind revolts with indignation at the idea of transferring them to Britain, a land of liberty, which ſeems formed by nature as an aſylum from perſecution and tyranny. Let us then reſolve to be free, and at the ſame time uſe every preventive art to evade the horrors of civil diſcord. It is yet practicable. Happily we are not in a condition that requires violence; and if you exert yourſelves without delay, you may eaſily prevent us from ever being ſo. A ſociety already eſtabliſhed points out the way. Would each of you, in the counties where you are going to reſide, form aſſociations on the plan of the Conſtitutional Society, ſuch a ſpirit might be raiſed before the next General Election, as would bid defiance to corruption. Theſe provincial ſocieties ſhould correſpond with that which is ſeated in the capital; and it would add weight, dignity, and union to the whole, if you, gentleman, would become members of both. Theſe are the outlines of a noble deſign: I leave the ſketch for you to finiſh. Apply to yourſelves, deſervedly, Lucan's fine and comprehenſive character of Cæſar; *nil actum reputans dum quid ſupereſſet agendum.*

TIMOLEON.

To the worthy LIVERYMEN *of the* CITY *of* LONDON.

GENTLEMAN, *Guildhall, April 6, 1772.*

HAVING now compleated more than ſix months of the year, which you aſſigned us for an important office, we deſire your aceptance of our hearty thanks for the aſſiſtance we have received from you in the diſcharge of our duty, and entreat the continuance of your ſupport and friendly counſels.

We have from time to time ſubmitted our conduct to you on a variety of occaſions, and to the laſt moment of our Sheriffalty are determined, that every public tranſaction, in which we may be concerned, ſhall be given in all its circumſtances to our candid and diſcerning conſtituents, to whoſe impartial judgement we will always chearfully appeal.

The new *Freeholder's Book* for the County of Middleſex, and Juror's book for the city of Weſtminſter, have been from the beginning of this year depoſited in the proper offices, and are now always uſed. The juror's book for the City of London is not yet compleated, and we fear cannot be perfected before the end of Eaſter Term.

The bailiffs, and other inferior officers of juſtice, have been ſtrictly watched, and regularly kept with in the bounds of their duty, except in ſome few inſtances. The parties aggrieved have in every ſuch caſe found the moſt ſpeedy relief.

We have the ſatisfaction of reflecting, that, the extent and populouſneſs of our juriſdiction conſidered, the applications for redreſs of any kind have not been numerous, and we owe it to the public character of your ſheriffs to declare, that not one has proved ineffectual, when the complaint was well grounded. Few grievances have come to our knowledge, none been left undreſſed. We think it becomes us to make this appeal to our fellow citizens, while the power ſtill remains in our hands to do juſtice to every perſon.

Our particular attention has been beſtowed on the many unhappy objects under our care in jails, priſons, and lock-up houſes. We have frequently in perſon attended this eſſential duty, and afforded every alleviation in our power to the miſeries of thoſe who languiſh under the loſs of the nobleſt bleſſing, and moſt valuable enjoyment, perſonal Liberty. We may congratulate our countrymen, that the number of theſe unfortunate perſons has not been attempted to be increaſed this ſeſſion by any illegal royal proclamations, or commitments, *during pleaſure*, made by either of the two houſes of parliament. Their late uſurpations on the perſonal rights and privileges of the people ſeem to be given up and ſurrendered. The Lords have not dared ſo unconſtitutional an order of impriſonment, nor to impoſe any fines at their arbitrary will, for offences cognizable by juries. No man has been committed at their bar for what their votes, not the laws, declare ſeditious, nor for what they ſo readily find a libel on a brother P—r, nor have they ventured to condemn any perſon on the firſt original hearing of a cauſe, which ought to come before them only by appeal from the inferior courts after the verdict of a Jury. The Houſe of Commons have tacitly acquieſced in the claim made by many of our worthy fellow citizens for the people at large, that the conſtituents of this kingdom have a right to be fully informed of all the proceedings of their ſervants in Parliament. Their votes indeed aſſert, "that it is an indignity to, and a breach of the privilege of the Houſe, for any perſon to preſume to give in written or printed news papers any account, or minutes of the debates or other proceedings of the Houſe, or of any committee thereof;" but the uſurpation was apparent, as well as the *indignity* to their maſters, and the *breach* of the *privileges* of their conſtituents. Their other reſolution in conſequence fell into contempt, that "upon diſcovery of the authors, printers, or publiſhers of any ſuch written or printed news paper, the Houſe will proceed againſt the offenders with the utmoſt ſeverity." Several honeſt printers, in defiance of their ———orders, gave the public under their names all the particulars of their proceedings during

during the laſt ſeſſion, which the Houſe ſo prudently endeavoured to hide in a d--kn-ſs ſuited to their deeds. The moſt natural effect followed, a general abhorrence of them through the nation. The ſame perſons who aſſerted our rights the laſt winter, have through the preſent ſeſſion continued the exerciſe of it in its fulleſt extent. Notwithſtanding the report of the *Committee to examine into the ſeveral facts and circumſtances relative to the late obſtructions to the execution of the orders of the Houſe, and to conſider what further proceedings may be requiſite to enforce a due obedience thereto*, was, in expreſs terms, that *the Houſe ſhould order, that the ſaid* J. MILLER *be taken into cuſtody of the Sergeant at Arms attending the Houſe*, the ſaid J. MILLER is ſtill at large, ſtill continues the ſevereſt attack upon them by faithfully publiſhing their proceedings, ſtill braves their indignation, and ſleeps ſecure in the City. Among the number of daily offenders of this kind, the corrupt majority in the Houſe of Commons have not preſumed to commit a ſingle printer, although by the late Royal Marriage Bill they have invaded the primary, inherent rights of human nature, and the divine inſtitutions in the perſons of the deſcendants of the late moſt excellent King, and regardleſs of the cries of the ſtarving poor, employed themſelves this whole ſeſſion only to enſlave the family of a Prince, whoſe memory become every day more dear and ſacred to all true Engliſhmen. The people are now made the judges of the conduct of their repreſentatives and the full exertion of the liberty of the preſs, the great bulwark of all our liberties, in ſupport of the conſtitution with the other acquiſitions for the public, will render this æra ever memorable in our annals. Theſe triumphs over the miniſterial faction we hold more important at this period becauſe they have been gained, when the chief magiſtrate of the capital had betrayed the rights he was choſen to defend, and trampled upon the known privileges of all the electors of this great city, which is upright predeceſſor vindicated with true ſpirit and courage. Many friends of the cauſe of liberty we know are apprehenſive that the late uſurpations will be ſoon renewed, or at leaſt in the following year. We entreat them not to deſpond, nor to indulge that gloomy idea. During our continuance in office we will ſtand forth the protectors of the juſt priviliges of the ſubject. Your virtue, Gentlemen of the livery of London, will, at the enſuing Midſummer, give us ſucceſſors equally zealous and undaunted in the cauſe of freedom and our country. We are, Gentleman,

With great difference, your obedient and humble ſervants,

To JUNIUS NAUTICUS*

SIR, *Portſmouth, March 30.*

THE paper of the 24th inſtant, containing your letter to Lord Sandwich, not having reached this town, till the 26th, I could not addreſs myſelf earlier to you upon it. My impatience may have led me into ſome inaccuracies; but that is a fault I dare ſay you will excuſe: You muſt not expect from me any acknowledgements for the good offices you have rendered his lordſhip, in what you have ſaid concerning his management of the navy; for allowing you have done ſome ſervices to his character, one cannot forget, that your pen was employed to anſwer quite another purpoſe. I apprehend his lordſhip has not taken your preſcription; but if he has, the ingredients which compoſed it, were ſo ſimple to produce any ill effect. It is idle to talk of a "more pungent mixture" hereafter: Your ſkill was exerted in this to make it as ſtrong as you could; but you will ſoon experience, that your drugs have no force. To be plain: According to accounts which I receive of his lordſhip's health, it is ſuch he may venture to take whatever you ſhall preſcribe, without any apprehenſion of conſequences.

Permit me to conſider the nature of your preſcription. You, ſay Lord Sandwich "has cauſed it to be ſpread about, that he has "brought the navy into better condition than "ſince the peace." Were it not for the imputation of vanity, his lordſhip might have ſaid it himſelf; but this was as unneceſſary, as it would have been to employ others to do it: The truth ſpoke for itſelf, and even you, againſt your inclination, have taken part in ſupport of it. You admit, "the Ships have been more thoroughly inſpected than for ſome Time before"; which is given in his favour the very fact you would turn againſt him if you could. It is begging the queſtion to ſay, "whoever was at the admiralty, muſt "have given the ſame directions to the Navy Board as he has done." It is not the more likely for your having advanced it. It is well known, that at the ſame time that former boards of admiralty iſſued their orders concerning the repair of the fleet, they inculcated ideas, which rendered the purpoſe of them very ſhort of what was oſtenſibly intended to be anſwered by them. Lord Sandwich ſaw the neceſſity of overturning a practice ſo fatal to the welfare of his country; and inſtead of reſtraining his orders, followed them with

* See a letter to Lord Sandwich, ſigned Junius Nauticus in our laſt number page 24.

with explanations, to ſhew he meant they ſhould be fully complied with; and according to this reſolution, the officers, under whoſe cognizance the execution has fallen, have had only to conſider the moſt effectual manner for the purpoſe. This reſolution was become the more neceſſary, as the reſtraint of former Boards of Admiralty upon the Navy Board, had brought the latter into ſuch a timidity of conduct, in regard to expences, as at length to bring them to view œconomy, without diſtinction, as an object more diſagreeable to the ſtate, than any other that could be poſſeſſed.

Lord Sandwich's ſucceſs in this important part of his duty has been ſuch, that, ſeeing you cannot depreciate it, you try to fix his merit by the ſtandard of others; but the contraſt places him too far aſunder ever to bring them to move on the ſame level.

Before I quit this part of your letter, let me aſk you if you really think, "after the navy of England has once ſuffered a neglect you acknowledge to be ſcandalous, that a little money and a little labour will put it into good condition?" you might have known better. I am perſuaded there is not a ſhipwright's boy in this yard, in the firſt year of his apprenticeſhip, who would not have told you the contrary. Believe me, Junius Nauticus, when a fleet is once let run into a bad condition, it is not a little, but a great deal, both of money, labour, and time too, that are required to reinſtate it.

Let me next aſk you, in what has Lord Sandwich "alienated the minds of the officers and ſeamen from his Majeſty's ſervice, ſo as by his tyranny to have reduced the navy to a degree of imbicility?" I have the ſame opportunity of information at this place as yourſelf, and nothing like ſuch an effect has come to my knowledge; on the contrary, there is a more perfect approbation of his care in general, than I have ſeen given to any one, who has preſided in the ſame ſtation for the laſt thirty years. It is eaſy to ſee you are exhibiting as a grievance, the having continued in the ſervice the ſeamen who came home about the end of laſt ſummer, in the three ſhips from North America, the Weſt Indies, and the Mediterranean. But ſurely it is not from the conſequence of this alone that you "tremble?" Should your uneaſineſs be really confined to this, and leſt a ſingle perſon ſhould partake in the feeling, I will ſhew you it is groundleſs.

The ſhips alluded to arrived in England nearly together; there were then ſome capital ſhips in want of repair lying at that port, where I am told, they could not be taken in hand. Upon the queſtion, how ſhould theſe ſhips be conveyed

veyed to a port where their repair could be performed? It was reſolved, and I think very naturally, to do it by the men which had juſt arrived. Pray what method would you have taken? Perhaps you would have choſen to let the ſhips remain in rottenrow. I have known times when ſuch things have been done without reproach; but it is a happineſs with Lord Sandwich to ſquare his conduct by a more extended line. His perſpicuity diſcovers advantages which others over-look. He is equally ſucceſsful in pointing out relief under difficulties, which are apt to ariſe in matters that are new; and he has courage to purſue his ideas, the inſtant he perceives them to be for the public good.

Theſe ſhips would, in all probability, have been loſt to the national ſtrength, beſides a heavy annual expence, during their progreſs to a total decay, if they had not been thus tranſported to a port of repair; and ſurely the continuing ſeamen in a harbour at home, enjoying full pay, and living upon freſh proviſions, for a purpoſe in their own element, is at leaſt deſcribed with extravagance, when it is imputed to "tyranny." I ſuſpect you would have been amongſt the firſt to have arraigned Lord Sandwich, if, after knowing the fact I have ſtated with regard to thoſe ſhips, he had neglected to employ the men in the manner he did.

How ever happy you may fancy yourſelf in deſcribing their hardſhips, the whole, be aſſured, is the effect of ignorance or virulence. In what, from this tranſaction, "is the public faith diſhonoured?" or how is "the compact broke between the nation and her beſt ſervants?" Theſe men appears to have been the object of tender conſideration. Every one here knows the orders that were given concerning them; theſe were, that every ſeaman, having a year or more wages due, ſhould be paid ſix months; then have a month's leave, and on his return to a ſhip at Portſmouth, have the whole of his remaining wages paid. Conſult the act which you ſay "was formed to guard againſt the tyrannical uſe of the power of the Admiralty;" you will not find thoſe orders repugnant to it: Nor would a candid man have ſuggeſted, that it ever could be in contemplation, "to advantage government by ſeizing on the wretched arrears of theſe men." There was ſufficient pay to keep them from deſertion; and ſo ſoon as they ſhould return from leave, the orders expreſſly directed all arrears to be immediately paid them. Yet Junius Nauticus has advanced, "that the time of theſe men receiving their pay reſts ſolely with the Admiralty, and they remain ſlaves bandied from ſhip to ſhip as long as they live."

I can

I can excuſe the foibles of an enemy, when he makes me ſenſible of his zeal for the navy. It is that which has raiſed this nation to greatneſs: It is that which ſupports us in the poſſeſſion. I feel myſelf warmed, when a man but points his finger at that, which can poſſibly grow to an evil in the end; and I am eager to ſee it averted. From this diſpoſition I am led to applaud your diſlike "to the practice of lending ſeamen to do duty in other ſhips." Their diſguſt at it is great; and it is to be feared, it never can be eradicated. I however condemn your application. It is your plan to throw dirt on Lord Sandwich; and in doing it indiſcriminately, I do not wonder you charge this practice on his Lordſhip. How unfair! The uſage is perhaps as ancient as the conſtitution of the navy: It has been carried to greater lengths at ſome periods than others; but by Lord Sandwich to a leſs degree then any of his predeceſſors. My friend admiral Drummond, who could judge of ſervice before the peace of Ryſwick, and whoſe death was within the laſt ſix months, though he condemned the practice, never diſowned that it was in uſe when he firſt went to ſea. Still as it is diſguſtful to the ſeamen, I lament when neceſſity throws it in their way. Yet were the reaſons for the cuſtom examined into, it is probable, the reſult would ſhew, that the diſlike ariſes from prejudice, more than any real cauſe. Men can but go through a certain portion of labour, and wherein is it eſſential, whether it is on board the Britannia or Victory? eſpecially if the officers, to whom the men are lent, are careful to treat them in the ſame manner, as the men immediately under their command. They have the ſame pay and proviſions in the one as in the other.

The companion you bring to heighten the idea of the ſeamen's hardſhip, between his caſe and that of a carpenter, ſail-maker, or caulker, is wide of your purpoſe. It is granted the ſeamen has "no additional pay, when on duty in another ſhip, and that the artificer has." But there is remarkable difference between them: The ſeamen are never lent, but to ſhips in ports at *home*, where the hardſhip, at moſt, can be but trifling: The artificers are never lent but to ſhips in ports or ſtations *aboard*, where difficulties cannot fail to be great, and where men, in the ſame way, cannot be procured: Captains then mutually aſſiſt each other, and the artificer is paid for the days he works. I call on you to furniſh a precedent of any allowance being given to either carpenter, ſail-maker, or caulker, for working in any other ſhip than their own, in any port of England. What I have ſaid is enough to ſhew, that in aſcribing this part of naval managment to

Lord

Lord Sandwich, you as far misplace your censure, as on every other occasion. All I aim at, is to put the saddle on the right horse. As to the practice itself, were it excuseable in the eye of reason, I would not pursue it against the prejudice of a seaman's mind, unless in a conjucture where necessity and dispatch go hand in hand to require it.

It is now time to leave "the disgust which you say reigns in the hearts of the private men," to look into the sick ward of the officers, whom you represent "as pining with discontent, and sickening for want of just encouragement." But I have hardly patience to consult their disorder, as you say it arises from a report, that Lord Sandwich has said at the council board, "that to make officers serve well, is to keep them poor." It is a mean plea to excite the hatred you want to raise. Could you gain credit, that his lordship has really argued thus, I should not wonder to hear officers charge him "with want of generosity and liberality;" but since in throwing this out, you declare it to be "immaterial, whether it is true or not," I fancy he is in no danger of losing their regard. His policy was sufficient to guard him against the folly of such a piece of doctrine. I should as soon believe, that a person, who had acted for more than thirty years, as a master in Westminster-school, was not supposed to know the rules of Grammar. I cannot reconcile to myself, whether you are more absurd in propagating the report, or in the argument you have deduced to prove its truth, viz. "That he must have used the maxim, or he would have exerted his endeavours to have procured an addition to their present scandalous pay." I am sincerely of opinion his lordship never said or thought, as you have made him to do: At the same time I think, if he could see any probability of procuring an advance of the officers pay, he would most heartily put his shoulder to it. But why, Sir, is the "smallness of the pay," brought as a charge against Lord Sandwich? You could have no other meaning than the hopes of clamour; for it is saying no more, than that his lordship presides at the Admiralty, whilst the officers acting under his direction enjoy the same pay as for the last seventy years.

When a man is in correspondence with another, he wishes to find something agreeable in his correspondent; but really the remaining part of your letter is so much the reverse, it is with difficulty I maintain my resolution of continuing my remarks to the end. What can be more preposterous, than your reflections on the orders "forbidding the bearing of menial servants in guardships!". The restraint was earlier than Lord Sandwich's

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Sandwich's appointment: But that you make nothing of. You have convinced me that if prince George of Denmark had made an eſtabliſhment, whilſt he was lord high admiral, the practice of which it ſhould ſuit your purpoſe to condemn, you would have brought your bill of indictment againſt lord Sandwich as the author. Take back "the bluſh you would fix on his cheek, and place it on your own."

As you are ſo good in recording, I wonder you have omitted to notice an alteration made in the plan of the guard-ſhips. You may not have heard of it, or have you overlooked it, becauſe you abhor whatever has a tendency to approve Lord Sandwich's conduct? In either caſe you ought to be told that thoſe ſhips are now on a new footing; and that, by the alteration, the command is made worthy a gentleman to hold. I have before been ſurprized when officers of diſtinguiſhed rank and merit have ſolicited the command. The object is now of additional value, and this happens to fall on the very article of ſervants. From the following data you ſhall form your own calculation, how much the balance is in favour of the captain. Before Lord Sandwich's time, the captain of a guardſhip was allowed four ſervants, and then reſtrained from bearing menial ſervants; he now, ſubject to the ſame reſtriction, is allowed to bear fourteen. Is this a cauſe why "captains pine with diſcontent, and ſicken for want of juſt encouragement?" I wiſh every deſerving officer may be made ſick from a like cauſe.

The field you next open to his lordſhip's view, is a far more pleaſing one than you imagined. You will find "in his diſpoſal of the poſt of purſer to Admiralty clerks, and others who never ſaw ſalt water," that his practice will ſtand your teſt; and that he has been ſo far from following his predeceſſors in that particular, that I cannot learn he has copied them upon it in one inſtance.

Your inſinuations about the manner of employing the frigates, and about the marines, are in both too ſimple for my notice. The notion you entertain about the former, to uſe your own phraſe, "is frivolous and contemptible;" and on the latter I ſhould be ſilent, were it not for the ſatisfaction of ſhewing you have not raiſed a ſingle grievance capable of an impreſſion. On that account, I may preſume to ſuggeſt, that the motive for employing the preſent number of marines, is becauſe they bear the uſual proportion to the number of ſeamen voted by parliament. And as to your queſtion, about "the profits ariſing from their cloathing," I anſwer, that ſuch is the mode in the diſpoſal of the money granted for the marines, which is blended, and makes one ſum with that

which is given for the ſeamen, it is not poſſible for an individual to put ſixpence into his pocket; of courſe "the ſhare to lord Sandwich, as firſt lord, upon the diviſion," cannot amount to as much as the pooreſt boon your honour would give to a beggar. A B.

REMARKS *on ſome Parts of* Nova Scotia, New England, *and* Rhode Iſland, *reſpecting Navigation &c.*

THE Harbour of Halifax is by its ſituation the fitteſt for the ſtationing of ſhips for the protection of Newfoundland, Canada, for any other of the nothern colonies, and is acceſſible at all ſeaſons of the year, and affords perfect ſecurity in all weathers.

As ſoon as a ſhip is out of the Harbour, and clear of the light houſe, ſhe is in the open ſea, and free from the dangers of banks, ſhoals, rocks &c. to the eaſtward, weſtward or ſouthward.

In coming on the coaſt, as cape Sambro projects further into the ſea than any other part, ſhips cannot be embayed. In caſe of winds blowing on the ſhore, they may ſtretch eaſtward or weſtward and either the one way or the other they may meet with large and ſecure harbours, with water for any ſhipi if they happen to miſs their port; there are 49 harbours for men of war on the coaſt of Nova Scotia.

All the Weſt India trade of France and Spain, and all other European powers who have property in the Weſt Indies in going from Europe to America ſtretch along the coaſt of Europe to the ſouthward untill they come into the trade-winds, which carry them to their reſpective ports in America but they can by no means return from thence in the ſame courſe, and are therefore obliged to ſtretch into the nothern latitudes above thirty, but commonly forty degrees or more, ſo that the whole trade of the Europeans with their wealth muſt paſs within 200 or 250 leagues of the port of Halifax. The advantage whereof in caſe of war is evident, becauſe from thence our own trade may be protected, and our enemies fleets annoyed. The port of Halifax lying ſo much to the eaſtward of the other north American ports, ſhips may ſail from thence in a direct courſe to any of the ports in the Weſt Indies: whereas from all the ports in the weſtward, ſhips bound to the windward Iſlands are obliged, while in the nothern latitudes, to come as far Eaſtward as Halifax to ſhape their courſe to the Weſt Indies: And unleſs they do this before they come into the trade winds they often loſe the port they are bound to, and are obliged to make ſome of the leeward Iſlands; therefore the port

of

of Halifax is much better ſituated than any other on the continent to favour any deſigns on the Weſt Indies. There is a careening yard which has coſt Government a very conſiderable ſum, and is almoſt completed, and with little more expence there might be a dock.

If the packet boats from England were to be ſent to Halifax, beſides eſcaping the Privateers in time of war, the voyage would be made in much leſs time than to New York. From Halifax the packet might be carried croſs the country to Anapolis (the diſtance of which is 140 miles, and the road already made, and only wanting repairs) and from thence to Caſco-bay or Falmouth which is not more than ſixty leagues, and may be performed in forty eight hours, and thence to Boſton 118 miles on a poſt road. From Falmouth there is a poſt road through all the provinces: its diſtance from Quebec is about 200 miles. Expreſſes in the late war have been ſent from thence to Quebec by the rivers Kennebec and Chaudiere in a few days, but from New York to Quebec is 620 miles.

The port of Falmouth in Caſco Bay, and the baſon of Anapolis, are open in the winter; the ports of Boſton and and Portſmouth are often frozen for weeks together.

The harbour of Boſton is of difficult entrance to a fifty gun ſhip without a good pilot through the narrows, and over the middle bank at high water. The harbour becomes more ſhallow every year, occaſioned by the earth waſhed down by Charles River which paſſing through the harbour in winding Channels leaves its mud on the bank, and in the channel; therefore it has been thought that in time it will become a barr'd harbour.

The harbour of Boſton is embayed at leaſt twenty leagues, in which there is no other harbour for capital ſhips, and very indifferent ones for ſloops of war. Fair winds for Boſton conſtantly bring on ſuch foul weather, that no ſhip can venture in with the land, particularly as Boſton is ſo much embayed: and from the late diſcovery of Caſhes Ledge, it is found to lie imemdiately before the port, ſo as to render navigation extremely dangerous with any wind. Indeed ſhips may be ſaid to be embayed from Cape Sable to the ſhoals of St George's banks, for they muſt be out of that line, which is ninety leagues, before they can be ſaid to be in the ocean; for after having paſſed Cape Cod to the ſouthward lie Nantucket, and other ſhoals along to Georges bank, except a channel between George's bank and Nantucket ſhoals, which is ſeldom paſſed without a good pilot, and would be very dangerous to a capital ſhip.

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On the North there is the dangerous coaſt of New England from Boſton to Grand Mannan in the Bay of Fundy, where there is no ſafe harbour for capital ſhips, except Caſco Bay; for though Portmouth in Piſcataqua has a deep entrance, yet the tides are ſo rapid that no capital ſhip can ride there with ſafety. There is alſo the north weſt end of Nova Scotia to encounter with from Cape Sable to St. Mary's Bay, which is full of rocks and ſmall iſlands, and ſhoals for ſixteen leagues together; a ſituation very dangerous for a capital ſhip, when the rapid tides of the bay of Fundy are conſidered, preſſing among the rocks and ſhoals, and often hurrying veſſels aſhore notwithſtanding every effort; and is further to be remarked, that the foggs begin earlier and laſt longer here than on the other part of the coaſt of Nova Scotia.

Among many dangerous places in Maſſachuſett's are the following.

Boon iſland, three leagues ſouth eaſt of Portſmouth, being a ſingle rock, with breakers around it. The Iſle of Shoals, about three leagues ſouth by eaſt from Portſmouth, with rocky and dangerous ſhoals. Salvages two leagues eaſt from cape Ann, very fatal. About a league from Marblehead are ſeveral rocky iſlands and dangerous ledges. Near the entrance of Boſton are the Graves, about a league from the light north eaſt. Theſe are dangerous, all ſhoals and rocks, and no paſſage betwen them and the light. About two miles ſouth of the light are hardings, rocks, and two leagues further Conahaſett rocks. For four or five leagues ſouthward from the light, the coaſt rocky, and the ground foul, for the diſtance of a mile, which has been fatal to many ſhips. Further ſouthward is Sandy Beach, and dead ſhore to Plymouth, where there are ſome inlets for ſmall veſſels, but no ſafety for large ſhips in a ſtorm. All the coaſt from Boſton to Rhode Iſland is ſo very dangerous, that a ſcheme was once formed for cutting a channel through cape Cod, to avoid the difficulties and dangers.

In regard to Rhode-Iſland, from thence to Point Montock it is 15 leagues before a Veſſel can get into the open ſea.

On the eaſt it is twenty leagues to clear the dangerous ſhoals of Nantucket. The navigation on the eaſt ſide going from Nantucket ſhoals, is extremely dangerous; none but ſmall veſſels of one hundred tons can go through to Boſton from Rhode-Iſland, Connecticut, or New-York, without taking a pilot.

Near Rhode-Iſland is Buzzard's Bay, full of ſhoals, rocks,

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rocks, and ledges, and where veſſels bound to Rhode Iſland are often driven by ſtorms and loſt. It ſtands alone, without any other harbour where ſhips can ſhelter. From Point Judith, about two leagues diſtant from Rhode Iſland to the weſtward, there is no harbour all the way to New London, which is twenty leagues, but ſmall inlets for boats and veſſels made by the rivers which come from the country, and it is in general rocky and dangerous. The harbour for men of war, which lies between Goat Iſland and Connecticut is ſmall, and has a ſtraight opening to the ſea, from the S. W. it is often ſhut up in winter by the froſt, and the tides flow no higher than at Hallifax. The other harbour between Goat Iſland and the town of Newport is ſheltered, but is ſmall, and there is ſcarcely water ſufficient for a ſloop of war: this is alſo frequently froze up in the winter.

From Montock point along the whole coaſt of Long Iſland to New York, in ſhore, is full of ſand banks, and no harbour, and veſſels bound to New York and Rhode-Iſland are often ſtranded and loſt. This happens yearly. If veſſels are caught in a ſtorm, and cannot make the the port of Rhode Iaſlnd, they muſt ſtretch as far as New London, or be driven on ſhore.

To the Gentlemen Electors of the Town of S: George, Grenada.

GENTLEMEN,

WHEN firſt I offered myſelf to your notice as a candidate to repreſent you in the next aſſembly, I acted, as my addreſs expreſsly marked, upon the preſumption that *legal* writs would be iſſued for the election of repreſentatives. I now, gentlemen, mean to decline ſtanding; and were I inſenſible to the favourable encouragement which I received from you, common reſpect for a body of men ſo honourable and independent would alone oblige me to aſſign you a reaſon for having changed my purpoſe.

I have, then, attentively peruſed, and very deliberately conſidered, the writs iſſued by his Excellency Governor Leyborne, and the proclamation therein referred to: And I do finally conceive, that the former are inſufficient for the purpoſe for which they are intended — that they are illegal, and will render all the proceedings of the aſſembly that may meet in conſequence of them null and void; and that the latter is from beginning to end, one continued, ſingular, and outrageous violation of the laws of England, of the conſtitution of this colony, and of the liberty of the ſubject.

I deliver

I deliver this, Gentlemen, merely as my opinion, in which I may perhaps ſtand ſingle, without adding proof, argument, or illuſtration in ſupport of it.

Were I impreſſed with different ſentiments, I ſhould continue to aſpire to what I hold the moſt elevated, honourable, and diſtinguiſhed ſituation, in which an inhabitant of this colony can be placed — that of the legal repreſentative of the town of St. George. — But thinking as I do, I cannot bring down my mind to ſolicit a mock election, nor conſent to make one of the *dramatis perſonæ* of a farce upon a ſubject of ſo much ſolemnity and importance, and at a ſeaſon ſo critical and melancholy.

It is, gentlemen, the duty of every man to uſe that ſhare of reaſon which hath been imparted to him for his guide and direction thro' life. Wiſdom will teach a man to deliberate before he reſolves; integrity will force *him* to abide by the conviction of his own mind. He, who acts againſt, or ſacrifices theſe great principles, commits a breach of a truſt repoſed in him by a power ſuperior to kings, princes, or governors. He who makes them the rule of his actions diſcharges his firſt obligation, and ſhould be applauded. The laſt may ſometimes err; and when he does, he hath a claim to tenderneſs and pity: But he can never juſtly incur cenſure; and ſhould he experience it, he will ſtill have the ſatisfaction left to know and to feel that it came unmerited.

I have the honour to be,
With very ſincere reſpect,
Gentlemen,
Your faithful and obedient ſervant,
ARTHUR PIGGOTT.

Mount-Melvill,
21ſt. *Jan.* 1772.

To the gentlemen freeholders of the town of St. George.

GENTLEMEN,

ACCORDING to the beſt and moſt impartial judgment we are able to form, the preſent writs for the election of an aſſembly for this iſland are wholly illegal, becauſe they allow of the choice of Roman Catholics to be members of the ſame, which is equally contrary to the laws of Great-Britain, and to the eſtabliſhed conſtitution of this colony. For theſe reaſons, gentlemen, although to our great regret we muſt decline, on the preſent occaſion, ſoliciting the honour we had hoped for of being your repreſentatives for this place, we return our humble thanks to thoſe gentlemen who had encouraged us to hope for their favour, and aſſure them, on every future opportunity that may offer, of our hearty

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hearty zeal for their intereſts, and that our utmoſt endeavours ſhall be uſed, in every legal way, to reſtore to them all thoſe liberties and privileges they are entitled to by their birth-right, and by the laws of their country.

We are, Gentlemen,
Your moſt obedient,
And moſt humble ſervants,
ISRAEL WILKES,
ALEX. SYMPSON,
JOHN LESSLY.

St George,
Jan. 29, 1772.

An authentic account of the great debate in the Houſe of Commons, concerning Eaſt India affairs.

MR Sullivan moved the houſe for leave to bring in a bill, for the better regulation of the company's ſervants and concerns in India, and declared that it had two objects, that of reſtraining the governor and council from all trade; and that of eſtabliſhing a proper mode of adminiſtering juſtice, by extending the authority of the court of juſtice at Calcutta over all Bengal. The motion being ſeconded, Mr. Cornwall oppoſed it as improper, without a previous enquiry into the ſtate of facts, on which, as grounds, the act that was to give the company a new charter, might be grounded. Mr. Rumbold then made a ſpeech, in which he endeavoured to exculpate the company's ſervants, and to paint the ſituation of Bengal in a very favourable light; declaring that, as an innocent man, he wiſhed for an enquiry, that thoſe who were unjuſtly traduced, might be diſtinguiſhed from the perſons really guilty.

The following is lord Clive's ſpeech in defence of himſelf, and upon the preſent ſtate of the Eaſt-India Company.

Mr. Speaker,

The preſs has, for ſome time paſt, teemed with ſo many reflections upon the ſervants of the Eaſt-India Company, and particularly upon me, that, were I not firſt to remove the bad impreſſions thus made, I am afraid, any obſervations I could make upon the preſent ſubject of your deliberations, would have little or no effect, except perhaps to my own prejudice. My ſituation is delicate, and little accuſtomed as I am to addreſs this auguſt houſe, I may ſink under its difficulties; but as my honour is concerned, as neceſſity extorts it from me, I muſt run the hazard, however much I fail in the attempt. It is not that I have any doubts of the goodneſs of my cauſe; on the contrary, I hope it will make me full amends for the inſufficiency of the advocate. At any rate, the houſe will ſhow ſome indulgence to a man, pleading for what

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what is dearer than life itſelf, his reputation and honeſt fame: Nor do I wiſh that my defence ſhould be ſolely confined to theſe walls; I ſpeak likewiſe to the gallery, and, in general, to my country, upon whom I put myſelf, not only without reluctance, but with alacrity.

It is well known, that the laſt time I went to India, I was called upon by the proprietary in general, without any ſolicitation on my part, to ſtep forth once more to their aſſiſtance, in a very critical emergence. Poſſeſſed as I was not only of an independent, but of an affluent fortune, happy in my connections, happy in my relations, happy in my family, happy in my friends, happy in every thing but my health, which I loſt in the company's ſervice, never to be regained, how can I be ſuppoſed to have undertaken the arduous taſk impoſed upon me by the company from pecuniary motives? I muſt have been the moſt mercenary of men, to have, upon ſuch principles, again tempted the faithleſs deep, to have again expoſed my enfeebled conſtitution to the ſultry climate of Hindoſtan, and to the fatigues and dangers of war. Sir, I undertook this voyage from a nobler view, from a principle of gratitude, from the deſire of doing eſſential ſervice to the company, under whoſe auſpices I acquired my fortune and my fame. Were not this the caſe, would I have embarked in this affair, upon conditions that left me poorer by many thouſand pounds, than when I quitted England? This, if neceſſary, I can prove by authentic documents; and, I truſt, it will at leaſt exempt me from the charge of avarice or rapacity.

Suffer me, after this general obſervation, to deſcend to particulars. The charges brought againſt me are contained in a paper, which was ſent me by the ſecretary of the Eaſt-India Company in a letter, * that begged I would tranſmit to him any remarks, or any defence I choſe to make. I begged to be excuſed from that trouble, till I ſhould learn what uſe they meant to make of the paper and of my defence. Here the matter reſted.

The firſt charge is, that I carried on an iniquitous trade in cotton. I anſwer, that in the firſt place I never traded, and that I derive every farthing I am worth in the world from being at the head of the army. In the ſecond place I declare, that I know nothing at all of the nature of cotton, and that I cannot conceive whence ſuch a ſuſpicion could ariſe, as I never was directly nor indirectly concerned in any thing of the kind. One remark, however, naturally occurs upon the ſubject, and that is, that malevolence muſt have been

* Here he read the ſecretary's letter, and his own anſwer.

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been greatly ſtraitened for materials, when ſhe placed ſo groundleſs an accuſation at the head of her impeachment. The feebleneſs of her firſt effort is a preſumption that her ſucceeding attacks will be ſtill weaker and worſe ſupported.

The ſecond charge is, that I carried on an illegal trade in diamonds. Nothing can be a greater miſrepreſentation. The matter of fact is, that, in order to convey home the money ariſing from my jagheer, I ſent my agents to a diſtant country, not under the juriſdiction of the company, and they bought up ſome diamonds, in which my property was veſted and tranſmitted to Europe. Upon ballancing accounts, I found that they turned out worſe by three per cent. than the original ſum which they coſt; a clear proof how well I was qualified for trade, and how eager I muſt in conſequence have been in future time to reſume ſo gainful a branch of buſineſs. All this, if it ſhould be called for by the houſe, and I have no objection to ſuch a meaſure, I pledge myſelf to prove by original papers at your bar.

The third charge is, that I miſmanaged the mint, and adulterated the coin in Bengal. During my preſidency, ſome alteration was made in the ſtate of the coin, I will own, but not at my inſtigation. Ignorant as I profeſs myſelf of that buſineſs, it would have ill become me to have been the original contriver of ſuch a delicate operation of government. In that affair I was guided by the lights of others, whoſe particular employment and ſtudy might rationally be ſuppoſed to have made them maſters of the ſubject.

The fourth charge is, that I was guilty of monopolizing beetle-nut, ſalt and tobacco. Here, I believe, the ſtrength of the accuſation of my adverſaries lies; and, as I myſelf think it a matter of importance, I muſt beg the indulgence of the houſe, while I diſcuſs it at large. They will hence ſee the ſuperiority of my plan over that of the direction. I know not how it is, but either through obſtinacy or ignorance, the gentlemen who have held the reins of government in Leadenhall, have acted ſo imprudent, ſo inconſiſtent a part, that they have deranged and fruſtrated the beſt concerted plans of regulation in Bengal. This I hope to make appear under this and other heads of my ſpeech. It is urged, as my greateſt and firſt crime, that I acted in diametrical oppoſition to the inſtructions received from the direction. Here are theſe inſtructions; it would be idle to read them all. The only paragraph deſerving your attention is this; "You ſhall take from the company's ſervants the excluſive privilege of trading in beetle-nut, ſalt and tobacco, and ſettle it upon the footing

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the moſt equitable to the natives, and the moſt profitable to the company you can deviſe." From theſe words it will, I think, appear, that my inſtructions were not ſo preciſe and definite, as abſolutely to fix the mode of carrying on this trade. Being general, I gave them a liberal conſtruction, making the intereſt of the company the ſole ſtandard by which every regulation was to be tried. Inveſted with extraordinary powers, I thought myſelf juſtified in conſulting the ſpirit of thoſe rules which were ſo indefinitely expreſſed; and, I truſt, I did not altogether diſappoint the expectation of my employers. The privilege of trading in ſalt was claimed by the ſervants of the company, as a neceſſary addition to their ſalary, which, every body knows, to be totally inſufficient for their ſupport. The appointments of a counſellor is only three hundred pounds, and his annual expences cannot fall ſhort of three thouſand: the ſame proportion holds among the other ſervants. Hence, while Mr. Vanſittart was preſident, they ſet up for the firſt time this claim. Suja Dowla ſaw clearly, that if the company's ſervants were to carry on this trade free of every impoſt and reſtraint, while the native merchant paid large ſums, the latter would be totally ruined, and his revenues from that article would dwindle to nothing. He therefore inſiſted upon the ceſſation of this privilege, elſe that he would throw the trade quite open. The company's ſervants declared that they would trade as formerly, without any reſtriction. Hence the war that followed, hence the origin of a ſelect committee. Beſides this grievance, there was another to be redreſſed. From time immemorial it has been a cuſtom to give and take preſents. An inferior can hardly be perſuaded to approach a ſuperior without a gift; the habit of deſpotiſm has formed their minds to this mode of tranſacting buſineſs. Accordingly, when the company's ſervants became the acting ſovereigns of Bengal, and the channels through which favours paſſed, they received preſents, and thus indemnified themſelves for the ſmallneſs of their ſalaries. The company thought that this practice had introduced many abuſes; and therefore ſent out covenants, which were to be ſigned by all their ſervants, and were to exclude them for ever after from accepting any preſents by direct or indirect means. Thus deprived of their two main ſtays at once, of the ſalt trade and of preſents, how were they to be ſupported? I ſaw and felt that ſome plan muſt be adopted; and none preſented itſelf that ſeemed more effectual, or leſs expenſive to the company, than the appropriation of the money raiſed by the trade in beetle-nut, ſalt and tobacco, put under proper regulations. In purſuance of

this

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this idea, I eſtabliſhed this monopoly, for a monopoly it undoubtedly was; and I fixed the cuſtoms and the prices which it was to pay in the different parts of Bengal, as far as human foreſight and regulation could go. Nor does it appear to me that the meaſure proved oppreſſive Suppoſe the inhabitants of Bengal to be fifteen millions, according to the general calculation; the quantity of maunds of ſalt ſold is known from the money which they produced, and from the books of the monopoly. At Calcutta the maund of ſalt ſold at one price, at Patna at another, and at Mongheer at another, increaſing in its price the farther it was carried up the river, or into the country. After a due allowance for every circumſtance, I find that at a medium each perſon did not pay in the courſe of the whole year, above one and ninepence for ſalt, an equal quantity being allowed to every individual. Now can this ſum be thought exceſſive, in a country where a labourer's wages amount to ſix ſhillings a week, where almoſt no cloaths are worn, where no ſtrong liquors are drank, where rice and milk, the ſober food of the inhabitants, are comparatively cheap? The idea is abſurd. Believe me, the monopoly did not bear hard upon the people, but upon the merchants. Thouſands and thouſands of them were thrown out of trade, and reduced to diſtreſs; nor do I deny that the country agents exacted unreaſonable profits, and enhanced the price of the commodity. Of that abuſe the ſelect committee was entirely guiltleſs; the duties eſtabliſhed by them were moderate and reaſonable. Inſtead of adhering to this plan, what did the direction do? they reſtored the trade to the natives, and continued the duties without collecting them. Had this object been properly attended to, the Treaſury would have been this day a million and a half the richer; for that is the ſum to which at a medium that revenue would now have amounted. But the gentlemen have been too much employed in ſecuring an intereſt among the proprietors, to regard ſo trifling a conſideration. Of this monopoly, I, as governor, had a ſhare, and the reſt of the ſervants their due proportion. But how did I diſpoſe of my ſhare? I diſtributed it among men of merit, men who deſerved well of me and their country. Three gentlemen I carried out with me, promiſing to make proviſion for them. One of them, Mr. Maſkelyne, my ſecretary, was the companion of my youth, the companion of my toils and dangers. We both ſerved on the coaſt, we were both taken together, we both made our eſcape, we both fought under Boſcawen at the ſiege of Pondicherry. Ill health obliged him to return home, and to relinquiſh all his

proſpects. When fortune had proved ſo kind to my endeavours, I thought it my duty to aſſiſt him out of my affluence. I did ſo; but ſomething more ſeemed to be wanting. He attended me to Hindoſtan; and the whole of the thirty-two thouſand pounds accruing to me from the monopoly of beetle-nut, ſalt, and tobacco, was ſhared between him, the other gentleman, and my ſurgeon, who left ſeven hundred pounds a year to ſerve me; and I do not think them too amply rewarded. Upon the whole, I diſburſed, you ſee, five thouſand pounds more than I received; and all this I did, that I might not be taxed with partiality, in order to advance my friends over the heads of other men. Nor is this all that I reſigned. If ever Muſſulman loved a Chriſtian, Meer Jaffier had a ſincere affection for me. Finding himſelf near his end, he called his miniſters. and in their preſence declared, that as a mark of his attachment, he bequeathed ſeventy thouſand pounds to colonel Clive. This ſum I might have retained as my legal right, as I have been adviſed by the honourable ſpeaker, and by another perſonage, no leſs honourable, that does not ſit in this Houſe. This I formed into a fund for the ſupport of officers, and diſbanded and diſabled ſoldiers: an eſtabliſhment, by which they will now be enabled to return into their own country, and to live as comfortably as if they were penſioners of Chelſea-Hoſpital. This inſtitution was the only thing wanted to put the military of the Eaſt-India Company upon a reſpectable footing, and to remove gloomy proſpects from the mind of the old worn-out ſoldier.

Before I enter on the direct diſcuſſion of the preſent ſtate of the Eaſt India company, permit me to make a ſhort apology for their ſervants. Now-a-days every youth poſſeſſed of any intereſt, endeavours to go out as a writer to the company. No matter how ill qualified he is by education, writing and cyphering are thought ſufficient. The ſame talents which were deemed neceſſary when the company was only a trading body, are required now that they have become ſovereigns of an empire as large as all Europe. The ſame hands that flouriſhed a pen, are held capable of ſwaying a ſceptre; and accordingly, no queſtions are propoſed at their examination, but "can you cypher, can you write and keep accounts?" A ſpecimen of their penmanſhip is produced, together with a certificate from ſome writing-maſter, that they have under him learned the true art of book-keeping, after the Italian manner. Nothing farther is wanting; they are put upon the liſt. Being equipt, they receive their leſſon from friends and relations

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lations. My dear boy, says the father, I have done my part; I have set you in the way of fortune, and it will be your own fault if you are not a made man. See what a fortune has been made by this lord, and that lord, by Mr. such-a-one and such-a-one; what hinders you to be as successful? Thus are their passions enflamed, and their principles corrupted, before they leave their native country. What is the consequence of their landing in Bengal? One of these raw boys walks out into the streets of Calcutta, for his income will not allow him to ride. He sees writers who are not greatly his seniors, marching in state on fine prancing horses, or carried along at their ease in a palanquin. He comes home and tells his banyan what a figure his acquaintance made. And what hinders you to equal him in splendor, returns the banyan? I have money enough, and you have nothing to do but to receive, for you need not ask. Well, money is advanced by the generous mussulman, the youth takes the bait, he has his horses, his coach, his palanquin, his haram; and while in pursuit of one fortune, spends three. But how is the banyan in the mean time indemnified? Under the sanction of the young man, who is rising in the state, and making a quick progress towards a seat in council, he rises likewise, and commits various oppressions with impunity, the practice being so general, as to afford him perfect security. I can assure you, that native Britons are not the persons that directly oppress, but the Indians who take shelter under them, and who have paved their way to all exemption from controul, by pecuniary obligations. Human nature is frail, and the desire of wealth is as strong a passion as ambition. Where then is the wonder that men should sink under the temptations to which they are here exposed? Flesh and blood cannot resist them. An Indian comes to you with his bag of silver, and entreats you to accept of it as a present. If your virtue be proof against this trial, he comes next day with the same bag filled with gold. Should your stoism still continue, he returns with it stuffed with diamonds; and if, for fear of detection, you refuse even this temptation, he displays his bales of merchandize, a trap into which a trader readily falls. He takes them at a low price, and sends them to a distant market, where he gains 500 per cent. Hence a new plunderer is let loose upon the society; but he is a plunderer whom we owe to the badness of our own regulations. The servants of the company yield only because they are men; presents are so common and so prevailing in India, that it is almost impossible not to be carried along by the torrent. Meer Jaffier told me, that in the course

courſe of a year he received three hundred thouſand pounds in this way, and I might have received as much while governor. Judge then how difficult it is for men of common minds to return with unpolluted hands.

Now let us turn our attention to the ſtate of the company. Hindoſtan, and Bengal in particular, has been from time immemorial the centre of commerce and wealth. The people are numerous and induſtrious, the ſoil is fertile and well cultivated, and the ſobriety of the inhabitants makes riches flow in from all quarters. Nature has been upon the whole ſo bountiful to this part of the world, that it is in want of nothing, but has many ſuperfluities, and may accordingly be called with propriety the terreſtrial paradiſe. Hence it has been the object of men's deſires in all ages, and they have in general no ſooner deſired than they obtained. The inhabitants unnerved by the climate, and other cauſes, are a conſtant prey to invaders; at preſent the ſtruggle ſeems to be between us and the French, for I can by no means perſuade myſelf that ambitious nation has dropt the deſigns which it was evidently meditating ſome years ago. For what purpoſe were ten thouſand men kept at Mauritius, if no ſcheme of conqueſt was laid? I am ſatisfied that they have not yet abjured this plan. They will employ their troops in firmly eſtabliſhing their new colony at Madagaſcar, and, when the critical moment comes, they will pour them into Hindoſtan, and wreſt the whole out of our hands: and believe me, if they once conquer Bengal, the reſt of the Mogul's empire will follow, and nothing will contribute ſo much as that event to their acquiſition of univerſal monarchy. Theſe conſiderations did not eſcape my attention more than a twelvemonth ago, and ever anxious for the welfare of the company, with whoſe intereſt I knew that of my country to be interwoven, I ſubmitted a plan of defence to the inſpection of the miniſter, but I have hitherto found it attended with no good effect. The Eaſt Indies, notwithſtanding all their importance, were left to the protection of chance. This leads me to conſider the cauſes of the preſent bad ſtate of the Eaſt-India Company. In my opinion, this is owing to four cauſes, to the negligence of adminiſtration, to the miſconduct of the direction, to the outrageous behaviour of general courts, and to the diſobedience of the company's ſervants in the Eaſt-Indies. Adminiſtration, inſtead of eſtabliſhing a general plan of permanent government, ſeems, like the directors and the company's ſervants, to have had nothing in view but the loaves and fiſhes. When this buſineſs came before parliament ſome years ago, the

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the queſtion was not how to ſecure ſo beneficial a trade, and ſo great an empire for a perpetuity, but to make an immediate dividend of 400 hundred thouſand pounds to one party and two hundred thouſand to another. In ſhort the loaves and fiſhes were the only conſideration. The directors by no means purſued the vigorous plan chalked out by me. They ſuddenly ſtopped proſecutions, reſtored the ſuſpended, and undid every thing that had been done; and yet by this bill they are willing to diſable themſelves from ever withdrawing proſecutions for the future; a clear proof that they are ſenſible of their own miſconduct in that particular. Nor is this the only point in which they have confeſſedly erred. They have been ſo eager to ſecure their annual election, that the firſt half of the year has been conſumed in freeing themſelves from the obligations contracted by their laſt election, and the ſecond half has been waſted in incurring new obligations and forming an intereſt among the proprietors. But, in ſpite of all theſe manœuvres, the direction has been ſo fluctuating and unſettled, that freſh and contradictory orders have been ſent out with every fleet. Hence the ſervants in Bengal are in ſome meaſure excuſeable, if they have ſometimes ventured to follow their own opinion in oppoſition to that of the directors. The governor and council certainly underſtood the intereſt of the company in Bengal much better than the Direction. The proprietors, however, have nobody but themſelves to charge with the evil conſequences. Had they been leſs fickle and abſurd, their concerns would have been much more conſiſtently and uniformly managed. The malverſation of their ſervants may be juſtly charged upon the fluctuation of their own councils. Had they not concurred in reſtoring ſuſpended and proſecuted men, the governor and council would never have deliberated whether they ſhould obey or not the orders of the direction. Fundamental principles being once overturned, the whole ſyſtem tumbles to the ground. Such in my opinion are the cauſes of the preſent bad ſtate of the company. That it is bad I can clearly prove; and it is in vain that the Directors, in order to palliate their own miſconduct, endeavour to ſet a gloſs upon the matter. The Directors do not poſſeſs a ſtate of the revenues of Bengal for the laſt year; but I do, having received it a few days ago, from a member in council: * and the clear net revenue amounts for 1771, only to 171 thouſand pounds. Now government is to receive 400 thouſand

* Here he gave an account of the revenues of Bengall, from 1761 to 1772, from a paper in his hand, which he offered to lay before the houſe.

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thouſand pounds, and the proprietors 200 thouſand; and all this is to proceed from the revenues of Bengal. What a falling off is here! and yet you ſee that the revenue has not greatly decreaſed. The net ſum, that came into the treaſury was greateſt during my preſidency. Since that period the expences of the military eſtabliſhment, as it is called by themſelves, has gradually encreaſed till now it amounts to the enormous ſum of one million eight hundred thouſand pounds per annum. The power of receiving preſents and the privilege of free trade in beetle-nut, ſalt and tobacco being taken away, the company's ſervants have found out the way of making fortunes by charging exorbitantly in all contracts for furniſhing the troops with proviſions and other neceſſaries, and hence it is that the revenues fall ſhort, and do not come into the treaſury, tho' the ſum levied does not fall greatly ſhort of four millions. To me it is evident that the great decreaſe of the revenue is owing to this cauſe, and to the ſupineneſs and indolence of the governors who ſucceeded me. Had they followed my plan with vigour, the country would ſtill have flouriſhed, and this kingdom might have received an annual advantage of a million and a half. Mr. Verelſt was, after the matureſt conſideration, the propereſt perſon I could pitch upon as my ſucceſſor, though I had ſome ominous feelings of what would happen; but not without a previous proteſt againſt all weak lenity, as you will find from the extract of a letter ſent by me to Mr. Verelſt, before I embarked for Europe. † Hence you will perceive that I augured almoſt all the evils that have enſued. Having detained you ſo long, and exhauſted, I fear your patience, let me conclude by obſerving, that Bengal is the brighteſt jewel in the Britiſh crown, though at preſent in a rude and unpoliſhed ſtate; that if it be once properly improved and burniſhed, it will eclipſe every thing of the kind that has been yet ſeen in the world; but that if it be once ſuffered to drop out and be loſt, the crown will loſe half its ſplendor and dignity.

† Here he read the extract, which has appeared ſome time ago.

N. B. The noble lord in the courſe of this ſpeech, of which we have given every material circumſtance, read ſeveral extracts of letters and other papers, that we had not room to inſert.

GOVERNOR

GOVERNOR JOHNSTONE'S Speech, in anſwer to LORD CLIVE,

Mr. Speaker,

I AM clearly of opinion againſt giving leave for bringing in this bill before we have gone through a previous examination of facts to enable us to form a proper judgment. It is not upon ſuch knowledge as may be acquired from looſe, irregular, unconnected, bold aſſertions, or from partial, ſtudied calculations on paper, thrown together to deceive and miſlead, and merely read by a particular member in his place, where human genius cannot follow the numbers, ſo as to diſcover or detect any fraud, that this houſe ought to proceed in a matter of ſuch moment: but from evidence ſolemnly brought to your bar, and authentic papers laid on your table whereby truth and falſehood may be compared. The many contradictory accounts we have heard from different ſides of the Houſe, ſhould induce us to this rational ſtep. Except the gentlemen who moved and ſeconded this queſtion, every one who has ſpoken hitherto has called for an enquiry: even thoſe whoſe conduct may be ſuppoſed to be moſt effected by ſuch a proceeding, have been loudeſt in the demand: and yet from a languor I perceive in certain parts of the Houſe whoſe ſpirit can alone rouze this Aſſembly, and from certain whiſpers that have gone abroad, I believe this great national queſtion under certain compromiſes and coalitions will be ſlurred over like many other ſubjects, regardleſs of the honour of the nation, and the cries of human nature.

* An honourable gentleman on the other ſide has told you there are no evils exiſting in the government of Bengal, that cities are encreaſing to double their ſize, inhabitants multiplying, and new improvements in land every where throughout the provinces; and this he has ſtated in contradiction to a paragraph from a reſpectable author, Colonel Dow, who tells you that five millions of people have been deſtroyed or fled from the country. The Honourable Member has ſaid "he formerly knew Colonel Dow, and that he believed him to be a man of honour; but pique and reſentment for the diſappointments which he ſuffered, in conſequence of his part in the aſſociation of 1766 has induced him to exaggerate circumſtances, and place every thing in an unfavourable light."

I have the pleaſure of knowing Colonel Dow in a very intimate degree at this moment: I too believe him to be a man of ſtrict honour, and all the world will allow he is a man of

* Mr. Rumbold.

extraordinary diſquiſitive powers. As this very paſſage exceeded all the accounts of diſtreſs which I had heard concerning the country, I aſked the Colonel reſpecting it—he allowed there was ſome ambiguity in the expreſſion as to the time when his calculation begun and ended—but that he meant to include all the miſeries of the famine to the laſt diſpatches, and in this ſenſe he was capable of ſhewing ſufficient foundation for the facts he had aſſerted; but let Colonel Dow's or the Honourable Gentleman's account be true, it behoves the Legiſlature to enquire; nor can we ever be vindicated in ſhutting our doors againſt regular information after ſuch aſſertions from an Officer of high rank and character, in a work to which he has affixed his name, and dedicated to his Sovereign.

A ‡ Noble Lord on this ſide the Houſe has admitted ſuch miſeries and miſmanagement in the affairs of Bengal ſince he left that country, that every man of fore-thought muſt be alarmed with the approach of ſudden bankruptcy. His Lordſhip has indeed imputed them to other cauſes, but ſtill the grievances exiſt, and whether in the Directors at home or the Contractors abroad, it is equally our duty to enquire.

The Noble Lord has made a great impreſſion on the Houſe, by entering into a long refutation of charges that had been ſent him by the Court of Directors, the mutilated titles of which charges he has barely read. As I have had an opportunity of ſeeing thoſe charges as well as the Noble Lord, and as the anſwers he has given to them after all poſſible preparation rather confirm than leſſen my idea of his guilt, I beg leave to be indulged in a few words by way of reply to each.

The Noble Lord ſets out with two articles which have been tranſmitted to him from the Court of Directors, as the firſt and ſecond heads of charges exhibited againſt him. It is needleſs for his Lordſhip to furniſh me with inſtances of the clumſy manner in which buſineſs is tranſacted at the Eaſt India Houſe; and yet there is ſomething ſo very extraordinary in this, that I am apt to impute it to deſign rather than ignorance. His Lordſhip plumes himſelf extremely in refuting thoſe charges. As to the firſt, ſays he, "I never dealt in cotton in all my life, I know no more of cotton than the Pope of Rome, nor indeed, properly ſpeaking, did I ever trade. My fortune was obtained at the head of an army. Reſpecting the ſecond, I did ſend to diſtant provinces to purchaſe diamonds, for the purpoſe of remitting my jaghire to

‡ Lord Clive.

England,

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England, there being no other lawful way of remitting my money at that time, as the Company's cash was then full. But after regularly paying the duties for the diamonds here in England I lost three per cent. by the adventure." Now really it is sufficient to astonish the House and occasion their giving very little attention to any other charges, when the first and second are so easily answered. But I hope the wonder will be removed, and their attention recalled, when I acquaint them, there are no such articles stated as charges against his Lordship. The charge of monopolizing cotton and forcing it on the Zemindars is expressly confined to the Council, excepting some particular members. The monopoly of diamonds is not stated as a charge but as a fact to illustrate another point.

I come now to the real articles of charge, and I submit to the recollection of the House how far his Lordship has answered them to the understanding of any man of sense. The first article of charge, as his Lordship has stated them, is monopolizing of salt, beetel nut, and tobacco, contrary to the repeated orders of the Court of Directors, and in contradiction to his solemn engagements in that behalf. Has not his Lordship confessed a monopoly of those articles in the most rigid degree? Has he not allowed he held 5-56th shares? Has he not pretended to amuse you with calculations of the most cruel and fallacious kind, stating how much he extracted from each individual on the article of salt, without including the other commodities? Has he not told you those men, wearing few cloaths, and having only mean habitations, and not being addicted to the use of spirituous liquors, were well able to pay the 2s. 3d. demanded, and therefore fit instruments to be squeezed in his engines of oppression. What man, who has considered the subject of taxation, can be so ignorant as not to know that every species of general extortion or oppression may be vindicated by such arguments? Can any man say, after duties and enhanced prices are long laid on any commodity, that the encreased extortion falls equally on every member of the community, much less on the first establishment of such impositions? But the mere sum taken is not the evil, as might be shown by the difference of taxation in free and arbitrary countries. It is the wicked principle of such regulations, contrary to the law of nature, that destroys human industry, checks the incitements to labour, and produces famine and all other evil consequences that have followed in Bengal. But here too I must remark that the title of this article of charge, as delivered to the Court of Directors, respecting many other Gentlemen as well as his Lord-

ſhip, is not for monopolizing ſalt, beetel-nut, and tobacco, which produced the late famine, but for monopolizing ſalt, beetel-nut, tobacco, and *other commodities*, which produced the late famine. His Lordſhip has acknowledged the effects of his regulation was that of ſetting thouſands and thouſands of merchants adrift who uſed to deal in thoſe commodities.—Can there be ſo complete a confeſſion of the horrid conſequences of his regulation before a ſenſible body of men? Thouſands and thouſands of merchants thrown looſe in any community will convulſe the ſtate to the very centre. But, ſays his Lordſhip, " I acknowledge the firſt regulations on the inſtitution of this monopoly, which were drawn by Mr. Sumner in my abſence, were defective, and I received many complaints up the country againſt them, but in the next year I corrected all theſe miſtakes, and laid on fifty per cent. additional duty, directing the commodities to be ſold at the different places at diſtinct prices, and in caſe it had not been for the frauds practiſed by the Banyans, and the diſobedience of orders in the agents for the committee, there could have been no complaints." Without taking notice that his Lordſhip had no authority for laying on any duties whatſoever, who does not ſee that ſuch a ridiculous ſcheme of fixing ſtated prices on the neceſſaries of life throughout the provinces, without its being poſſible at all times to proportion the quantity and demand, was liable to every ſpecies of impoſition that followed? and nothing leſs than a total ignorance of the ſubject could make a man complain of the conſequences.

His Lordſhip has gone into a digreſſion to miſlead the Houſe on the manner in which this trade was formerly carried on, to vindicate himſelf for impoſing ſuch high duties: and this is a miſtake I have met with from many ſenſible men in diſcourſing concerning Eaſt India affairs.—The revenues of the ſtate are not collected in India, by duties and commodities, as in Europe. The amount of the higheſt duties that were ever collected on ſalt in Bengal was 72,000*l.* a year: the general medium was 40,000*l.* The reſt were exactions at the different chokeys. Cogee Wazeed farmed the whole at 32,000*l.* a year, in the time of Alle Verde Cawn; and a worthy governor, who is ſince loſt, confeſſed to me in a public aſſembly, that the diſputes with Coſſim Ally Cawn on theſe articles, were fairly contentions for authority, and not of pecuniary conſideration. The aſſumed diſtinction of exports and imports, in explaining the firmaund, are ridiculous in themſelves, and never could be applicable to ſalt, even according to that aſſumed diſtinction, ſince ſalt has ever been both an export and import.

And

And therefore there is not the leaſt argument to be drawn from thoſe facts which can vindicate his Lordſhip's regulations.

We come now to the contumacious diſobedience of orders —His Lordſhip tells us of the extreme ignorance of the Court of Directors, in excuſe for diſregarding their poſitive commands, which had been formerly laid before the legiſlature.

With regard to the wiſdom of the Court of Directors, I will not enter into a diſpute with his Lordſhip on that article at preſent, but leave thoſe Gentlemen to vindicate themſelves. However, I muſt obſerve, whether ignorant or intelligent, they were his ſuperiors whom he was bound to obey by every tie of honour and duty; and where ſo much profit accrued, by a contrary conduct, men will be apt to impute his diſobedience to other motives. I muſt further remark, the orders of 1766, which were ſo peremptory on this head, and ſeem to give ſo much offence to his Lordſhip, as leaving him no defence, except in the ignorance of his maſters, were all wrote by one whom he always treated as his moſt intimate friend, and ſigned by others whom I cannot call his friends, indeed, but his moſt ſervile tools in office. If this plea of the ignorance of the Directors is to be admitted as an excuſe for ſuch wilful diſobedience of their orders, what eſtabliſhment can be ſecure?

How is it poſſible to deny the ſame juſtification to every other perſon, or to puniſh any other man for this offence, upon which the welfare of ſo many millions depend; but this was not a common diſobedience of orders on a ſingle point, liable to be mooted, but a pertinacious, intereſted reſiſtance, from year to year, under ſolemn deeds and large penalties. His Lordſhip has ſtated, in his farewell letter to Mr. Verelſt, (which, by the bye, I think the moſt arbitrary compoſition that ever was read in a free aſſembly) that diſobedience to orders he conſiders as the greateſt legal crime. Will then his Lordſhip apply the law he left to others, for a moment, to himſelf? or is he to be exempted from thoſe rules, by which the reſt of mankind are to be judged? His Lordſhip has alledged, that many of the extracts of the letters referred to in the charges againſt him, prohibiting the trade in ſalt, beetel-nut, and tobacco, were wrote with references to other men, but he forgets to mention, that the letter of the 19th of February, 1765, which was wrote nine months after he left England, confirms all thoſe orders of prohibition, and has theſe remarkable words: "Whatever government may be eſtabliſhed, or whatever unforeſeen occurrences

may

may ariſe, it is our reſolution to prohibit, and we do abſolutely forbid this trade of ſalt, beetel-nut, and tobacco. And moreover, we ſhall deem every European concerned therein, directly or indirectly, guilty of a breach of his covenants;" —and it is further to be remembered, that this very letter was received, and was the occaſion of the extraordinary deed of diſobedience, which has made ſo much noiſe in the world.

Whatever excuſes may be made, the wilful intereſted diſobedience of orders is clear.

The next point to be conſidered, is the profits derived from this conduct: His Lordſhip does not deny the large ſums he acquired, but he tells you of a Mr. Maſkeline, who had gone through all ſtations of life with him—through Anters vaſt, and deſarts wild, to whom he gave 13,000*l.* to Mr. Streachy (whoſe merit I am glad to acknowledge, as praiſed by all parties) 15,000*l.* to Mr. Ingham 12,000*l.* to Mr. Philpot, his footman, 2,000*l.* beſides 2,000*l.* which he formerly received as ſtated in an account of a ſimilar nature to this, on the Company's books. Now, really, I can hardly conceive a plainer confeſſion of the fact charged. His Lordſhip acknowledges the receipt of the money, contrary to his engagements, and in defiance of public orders; but he inſiſts that having ſubſequently diſtributed it among his friends and ſervants, that he has been guilty of no breach of his promiſe or his duty.—As this is a new ſpecies of defence, I ſhall be glad to hear the reception it meets with from the public. It would be a ſtrange plea in a Court of Juſtice; beſides, how is it poſſible to detect any man with ſuch a powerful ſcreen? For, ſuppoſe we ſhould prove 50,000*l.* more to-morrow, it is only making another transfer, and all is clear; for, it muſt be remembered, as I ſaid before, there is one account balanced, of a ſimilar nature to this on the Company's records already, and his Lordſhip acknwledges the ſubſequent 48000*l.* had never been ſtated to the Directors.—Upon the whole, it is clear his Lordſhip has acknowledged the eſtabliſhing the ſevereſt monopolies on the neceſſaries of life, and the money he received by it. There can be few Members, who require a diſſertation to explain the dangerous conſequences of a monopoly; or who will deign to enquire in what proportion he diſtributed the profits among his friends and dependants.

The next charge his Lordſhip ſtands accuſed of, is the introducing a fraudulent coinage. The anſwer he makes to this is ſhort: "I did eſtabliſh a new gold currency, but I know nothing of the mixture of metals. However, I am ready to declare before God, as I now do at this moment, that

that I reaped not a ſhilling profit by it." Taking this defence as his Lordſhip has ſtated it, though I always underſtood he had a certain per centage on all coinage, what does the whole amount to? A ſtrange confeſſion for a man at the head of an empire, held by a trading Company; not leſs, than if a perſon ſhould declare, I know nothing of anatomy, and yet I am ready and willing at any time you pleaſe, to open a principal artery. If the patient ſhould die under ſuch an operation, could the Doctor ſtand wholly acquitted? Do not all men know, that the purity of coin is a principal conſideration in government, and that it is of the moſt dangerous conſequences tampering with it by any fraudulent mixtures. —Will the noble Lord alledge, that the private principles of the coinage did not admit of eight per cent. allay above the current ſtandard? Will he deny, that in the progreſs of the frauds, it was coined with thirty per cent. allay? Will he deny, that in two years from its eſtabliſhment, the once flouriſhing kingdom of Bengal, could not exchange one hundred gold mhors at the preſidency? Will he deny, that the Company loſt 300,000*l.* by the project? I ſhall believe, from his Lordſhip's word, that he made no profit of the great opportunity that occurred, but that he left this likewiſe to his friends, and yet I can hardly admit, after ſuch recent inſtances of his ability, that he is ſo entirely ignorant of the mixture of metals, as his modeſty would incline the Houſe to believe.

The laſt article of accuſation, which his Lordſhip has touched upon, is peculation of revenues, or the taking of one and 1-8th per cent. from the revenues, eſtimated at 3,000,000*l.* His Lordſhip has introduced his reaſons for this appropriation, by a long-winded minute, he has read to the Houſe, ſtating the juſtice, prudence, moderation, &c. &c. with a long catalogue of all the other virtues, which ought to adorn an Eaſt India Governor. To a man of ſenſe, the bare ſtating of ſuch a common-place jingle of words, would denounce to his mind, that ſomething iniquitous was to follow; the ways of truth are ſimple and pure: the paths of fraud are intricate and perplexed. Suppoſe I was to ſtate to the Houſe a tranſlation of the *Cadi*, or Judge's commiſſion, as found in Mr. Dow's book, to prove that oppreſſions had never prevailed in Hindoſtan.

Men of reflection know what a feeble barrier a combination of ſyllables are againſt the luſt of rapine. We muſt come to the facts. Did not Lord Clive declare in his letter to the Court of Directors of the 28th of April, 1764, that he thought the two and one half per cent. which had been granted

granted to Mr. Vanſittart on the ſmall extent of territory we then poſſeſſed was too great a burthen on the Company's eſtate? By his own conſent, and in conſequence of confirming the jaghire, was not his ſalary fixed at 6000l. a year in return for all his ſervices civil and military; the Company agreeing to defray all his neceſſary expences?—does not the ſame letter of the 4th of June add, as a farther ſecurity for the Company, "This, together with one per cent. commiſſion, which he is entitled to as Preſident, out of the two and one-half per cent. coinage duty, to be in full conſideration of all his ſervices civil and military, conſequently his Lordſhip is to have no commiſſion out of the revenues from any of our territorial acquiſitions whatſoever"?

Under what pretence then could his Lordſhip claim one and one-eighth, equal to 40000*l.* from the revenues?—He ſays in conſideration of giving up trade which he now declares he never followed; and yet I deſire to know, after acknowledging that deed ſtated in Mr. Bolts's book, under what name he comprehends his merchandize with Mr. Sykes and Gen. Carnac. But ſuppoſing he had actually dealt in commerce inſtead of making his bargains at the head of an army is it to be ſuppoſed he would have launched into freſh concerns within ſix months of his departure?—but, ſays his Lordſhip (ſenſible of the tender part of this argument) the Court of Directors have confirmed it to me and ſo I ſhall paſs it over, but I deny by the moſt forced conſtruction of fulſome compliments that the Court of Directors can or have confirmed it to him; beſides his Lordſhip has carefully concealed from the Houſe the ſix months of the one and one-eighth per cent. on the revenues which he drew after leaving the Eaſt Indies in prejudice of that eaſy, ſilly, humane, ſimple fellow he left behind.—In this I mean no reflection on the gentleman myſelf, I ſtate it merely as his Lordſhip has repreſented that Honourable Gentleman to the Houſe in ſumming up the cauſe of all his harmonious plans miſgiving.

I have now gone through the exculpation his Lordſhip was pleaſed to deliver to the Houſe againſt charges of which they are ready to acquit him without ever ſeeing or hearing the particulars of accuſation.—In my opinion his arguments ſtand fully refuted, though I wiſh that taſk had fallen to the ſhare of ſome abler advocate.

I will ſum up the whole by requeſting of every Member of the Houſe to conſider with his hand on his heart, what are the various ſubjects of complaint againſt the different ſervants of the Eaſt India Company. Is it receiving preſents

from

from Indian Princes? Has any man received them to such an extent as his Lordship? Is it for remitting by foreign Companies? Has any man remitted such enormous sums by these channels? Is it for monopolizing the necessaries of life, or disobedience of orders? Did ever any Governor exceed him in those, even to enter into a penalty bond to continue those destructive institutions, notwithstanding any orders from the Court of Directors to the contrary? Is it for dismissing law suits by General Courts? Was there ever a law suit of such magnitude as his own dismissed by a General Court? And here I cannot help mentioning my surprise at the dislike his Lordship has expressed against General Courts. How long has this disgust come upon him? Has he no more use for those assemblies? To what end does the whole of his arguments tend? An uncontrouled Direction at home, and an absolute government abroad, which are heard with such applause by a British parliament.

After stating particulars his Lordship descends to general arguments, which is always the sign of a bad cause. To give the House an impression of his unbounded generosity as if his former distributions to his servants were not sufficient. He tells you that Meer Jaffier, who had such affection for his Lordship, that *flesh and blood* could not withstand them, left to his Lordship by WILL, in the presence of his wife and son, and minister, seventy thousand pounds. This sum, his Lordship says, he might have kept, and he had the opinion of the ablest lawyer in the kingdom that the property was duly his; but instead of availing himself of such an advantage, he *prevailed* on the Nabob to add 30,000*l.* more, with which he has since established a fund as a perpetual monument of his bounty to those officers and soldiers at the risque of whose lives he had made so great a fortune. Is it to be supposed, says his Lordship, that a man who could establish such uncommon marks of his bounty, could stoop to the crimes charged against him? But here again to judge properly on the subject we must attend a little to the detail of facts. Meer Jaffier died four months before his Lordship arrived at Calcutta.—Several months more were elapsed before a man in the settlement ever heard a word of this will; at length Nuncumar, the late minister, was imprisoned, and soon after he was delivered of this wonderful secret, which after a proper repetition of releasements and confinements was thoroughly matured. I have examined into this matter in another place in a much more critical and exact way than I now do, and it never could hold a semblance of probability. —I am perfectly satisfied the artful minister imposed on his

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Lordſhip, for who can withſtand the various artifices of an Eaſtern genius as he has deſcribed their political gallantry.—But be that as it may, I now undertake to bring ten or at leaſt five men to the bar, who were intimately connected with all the affairs of the Durbar for many months after Meer Jaffier's death, who will declare they never heard a word of this will till long after his Lordſhip's arrival, and I will defy his Lordſhip, with all his wealth, power, and influence, and friends, to bring one gentleman who will declare he had ever heard a word of the matter before his Lordſhip's arrival. However, what puts an end to this claim of generoſity, is, that his Lordſhip was under covenant not to accept of any preſents exceeding 4000 rupees.

I will not trouble the Houſe with my idea of the preſent propoſed bill.—In the ſhape I formerly ſaw it, it appeared to me worſe than none. The Britiſh Legiſlature ſhould not move in the affairs of Aſia unleſs ſhe acts with dignity and effect. The eye of the world is upon her, and diſgrace muſt follow any inſignificant, much more any falſe ſtep. The preſent bill leaves that double engine of tyranny the government of the Nabob, forcible, and intire in all its parts.—It gives the natives the power of ſuing Britiſh ſubjects in the new eſtabliſhed courts, but it leaves the Britiſh ſubjects without a remedy againſt the frauds or oppreſſions of the natives, except through the interpoſition of the Governor and Council with their creature the Nabob. To be able to ſue, in every other government on earth, implies a power of being liable to ſue in turn; but this bill of the Eaſt India Company is to open new maxims of juriſprudence. The great object with a diſcerning mind, is, to eſtabliſh one certain ſyſtem of redreſſing injuries throughout that extenſive country, and particularly to guard, that no man can be ſafe, from the nature of your ſyſtem, in the commiſſion of wrongs. This once eſtabliſhed, preſents will ceaſe; for no man gives away his money without a view to undue preference—Cut off the means of accompliſhing the pernicious end, and the cuſtom founded upon it drops of courſe. So in monopolies; lay your markets free and open, (which you are well enabled to do, as drawing your revenues immediately from land without duties of exciſe or cuſtoms) and the evil is corrected. By the preſent bill the ſyſtem of tyranny exerciſed through the Nabob and his Miniſters, ſtands in ſome meaſure confirmed by law, if after being under the view of the Legiſlature, no notice is taken of it ſo as to correct the evil. I had the honour of preſenting to the Houſe a petition from a poor oppreſſed Armenian merchant, who ſuffered long impriſonment without

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without ever being able as yet to know the crime of which he is accuſed. It is true, on finding his caſe was laid before the Houſe, the framers of this bill have in ſome meaſure comprehended his ſect within the remedies of their law, by inſerting the word *Chriſtian*. But it was not becauſe he was a Chriſtian, that I preſented his petition, but becauſe he was a human being and fellow creature, and becauſe his caſe brought the ſituation of all the inhabitants of Bengal fairly before the Houſe, nor can the Gentlemen who patronize this bill ſhow me one reaſon for inſerting the word "Chriſtian" that does not equally apply for putting in the words Muſſulman and Gentoo. Suppoſe, after the preſent law, the Government is inclined to oppreſs, one, ten, or a thouſand of the inhabitants of Bengal, he whiſpers his wiſh to the Nabob, the men are ſent to priſon. They lie there for life, or are releaſed after proper payments. Have they any remedy for releaſement when impriſoned, or damages when ſet free? If you will keep up this monſtrous abſurdity, it were better to enlarge the powers of the Nabob, and make him in ſome degree an efficient Magiſtrate like Mahomed Ally at Madraſs. My opinion has never altered on this ſubject. I am clear we hold thoſe lands by conqueſt. I think the conqueſt was lawfully made by the Company, and a ſmall part of the King's forces in conjunction. I deny that conqueſt by a ſubject lawfully made veſts the property in the ſtate, though I maintain it conveys the ſovereignty. Strictly ſpeaking, after paying the Eaſt India Company for their expences and the riſques they run, on an ample ſcale, the reſidue ſhould belong to the ſtate, but I ſee no poſſibility of a diviſion, and I ſee great dread of the influence which the Crown might acquire by an improper arrangement. My mind therefore is come to this determination: that the Crown, under certain conditions, ſhould grant the lands to the Eaſt India Company, as was done in the caſes of New England and ſeveral other of our chartered colonies. The mode is eaſy, as the words impowering conqueſt and promiſing all future reaſonable grants, in each of the charters are literally the ſame. For this information, as caſes in point, to ſettle the minds of men who wiſh to act by precedent, I am obliged to a worthy member in my eye, who has made the conſtitution of the Colonies his peculiar ſtudy. The ſituation of Philadelphia, the moſt perfect government under the King, fully illuſtrates and vindicates my idea. The Eaſt India Company ſhould appoint, and the King approve of the Governor. The diſtribution of juſtice ſhould flow from the Throne. The ſtory

of the bloody ſword does not frighten me *. Who does not know that the firſt ſtep towards the improvement of civil ſociety is the taking the power of puniſhment from the hands of the injured. The commander in chief of the troops ſhould be named by the Company, and appointed by the King, all the leſſer officers ſhould be in the Company. A legiſlative authority ſhould be eſtabliſhed on the ſpot, without this we are like a ſhip deprived of her rudder. The proper checks and controul on that body I do not now enumerate, they muſt be plain and ſimple at the beginning. If theſe outlines were once adjuſted, the ſubſequent taſk might be ſoon accompliſhed, nor ſhould this matter appear ſo difficult as to induce the Miniſter of a great country to ſit quiet in the moſt important national queſtion that ever came before parliament, and permit the Houſe to proceed in the dark, driving like a ſhip at the mercy of wind and wave. Some men have alledged as an objection againſt aſſuming the ſovereign authority of that country; that foreign nations would object. Does any man believe that foreign nations permit us virtually to hold theſe territories under the magic word "Dowannee?"—Can it be ſuppoſed they are not equally ſenſible of the impoſition as ourſelves, or will it be believed they would not be much better contented to hold their different privileges under the confirmation of a Britiſh legiſlature, than of a cypher of a Nabob, directed by a Governor and Committee whom they can never trace? If I am favoured with the papers I have aſked for, I ſhall prove theſe aſſertions from their own words, and ſhow we are much more likely to engender diſputes under the preſent ſyſtem. If, in making our regulations, we are jealous of ſupporting the privilege of foreigners, we are wrong. They are neceſſary for the proſperity of our India trade at home and abroad, and we ought to convince them of our reſolutions in this reſpect by liberal determinations in their behalf, for I dread their edicts more than their army.

The Noble Lord has imputed all the misfortunes of the Eaſt India Company abroad to a filly ſucceſſor, and the increaſe of the military eſtabliſhment. He is the beſt judge concerning thoſe evils which flowed from his ſucceſſor. As to the increaſed military eſtabliſhment, I have often wrote, and often ſpoke againſt it, as againſt moſt of the diſburſements of the Eaſt India Company, which are all calculated on a geometrical ſcale of extravagance in proportion to that of any other community. But who was the propoſer of that

* This alludes to a caſe ſtated by Mr. Rumbold.

enormous

enormous burthen? The Noble Lord himself. For the Directors, though dependent on his breath, rather curtailed than extended his plans. He has read to you the ſtate of the military expences of the years his Lordſhip ſerved in Bengal, and compared them with thoſe of his ſucceſſors, but neither the effects of his military eſtabliſhment, or his diſtant connections, by ill-judged treaties, could be felt till he left the country; nay, not fully till the arrival of the troop of Colonels, Lieutenant-Colonels, and Majors, which he ſent from Europe. His Lordſhip imputes the multiplied evils that have exiſted in Bengal to temporary, partial cauſes; I impute them to radical defects in the ſyſtem he had eſtabliſhed, which I will not honour with the name of government, but that of a monſtrous heap of partial, arbitrary, political inconſiſtencies that were neceſſarily doomed to trouble in the ſhort period they did, and to produce all the complicated miſeries, miſchiefs, and oppreſſions which have enſued.

The Noble Lord has told the Houſe of the mighty things he did in his trip to India; but he has carefully avoided condeſcending on any one particular, except that of his arbitrary proceedings againſt men who had totally eclipſed his glory, in order to make room for his low dependants. Firſt, by deſtroying all government, and then by eſtabliſhing a ſyſtem of uncontrouled fraud and rapine—does the Noble Lord claim the merit of adding the kingdoms of Bengal, Bahar, and Oriſſa to the Britiſh empire? and will the Houſe give it to him who directed the pens of Captive Princes, or, to thoſe who by unwearied toils and multiplied dangers took the ſwords from their hands? For I aver it as a fact, that the ſurrender of Souja Doula which reduced that part of the world to our obedience, and the arrival of Lord Clive at Calcutta were ſo near in point of time, that a Courier could hardly have rode acroſs the country to have given intelligence of the laſt circumſtance before the firſt great event had happened.

There is only one other circumſtance in the noble Lord's ſpeech, which I can recollect from my notes as remaining unanſwered. In the quantity of terrors he has hung over our heads; ten thouſand French are placed at the Iſland of Mauritius, and from thence remove to Madagaſcar, from whence the long exploded topic of univerſal Monarchy, is again deduced. Now I'll tell the Noble Lord my opinion on this ſubject in contradiction to his and leave the Houſe to judge between us. If the French ſhould acquire our poſſeſſions in India, they could never hold them without poſſeſſing a ſuperiority at ſea. Theſe countries belong naturally to Great Britain,

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Britain, who has a fleet to connect them with the principal dominion——France might convulse our credit, and injure us materially by a stroke in the East Indies, and I am persuaded that such was their intention, and that she had proceeded so far that she does not now know whether to draw back or go on. Before our fleet went there, our dominions in the East certainly lay exposed in a manner that no wise man can vindicate. Since Administration have sensibly sent a squadron into those seas, and are now so wisely sending a reinforcement, I am in no dread of the French, if they do not act before our reinforcement arrives.—I think, myself, they have lost their time; at any rate Bengal is not their first object. But if they once come to move to Madagascar, I am sure they are undone. Any officer who knows how European soldiers moulder away in those climates will have little dread from ten thousand men, after the drafts by death and disease, in the course of three or four years, are duly satisfied; but in case they go to a new settlement, destitute of all the accommodations from buildings and civil society, and exposed to the corrupted air of rank vegetation, I leave any one to judge, who has had experience, in the settling of colonies, what will be their fate in a few years.—Upon the whole, I shall vote against the motion, with a view of establishing an enquiry into the affairs of the British empire in Asia.

Monday, April 13, at 4 o'clock, came on in the House of Commons, a motion made by Colonel Burgoyne, for a select committee to be appointed to enquire into the nature and state of the East India Company, and of the affairs in the East Indies. Mr. Burgoyne said, the reason of his wishing to have a select committee appointed, was, that a committee of the whole House could not go through it so minutely, especially as it was now almost the end of the session, whereas a select committee might sit the whole summer. The Colonel was seconded in his motion by Sir William Meredith, who shewed the necessity for such an enquiry, as millions of people were under the greatest distress. He related a story that happened in the Roman Senate, where a great man brought home with him three hundred thousand pounds, one hundred thousand pounds of which he was satisfied with for himself, another hundred thousand he gave to bribe the Senate, and the third hundred thousand among the dumb votes. Sir William was answered by Mr. Thomas Townshend, who spoke very strongly against the enquiry being made by a select committee, saying, it was nothing more than putting the affair into the hands of government; and, therefore, that

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he would ſooner wiſh to ſee it in the hands of the board of trade, or the Privy Council, than in a ſelect committee; as the latter, he ſaid, would be anſwerable for their proceedings, but a ſelect committee could not. He added, that he thought they ſhould have had this enquiry brought in by adminiſtration, as there was ſomething alluded to in the King's ſpeech; but that three months were now elapſed ſince the ſeſſion began, and no notice had been taken of it, excepting by an Honourable Gentleman independent of adminiſtration.——Lord North ſpoke next, and ſaid, he was glad to find the affairs of the Eaſt Indies taken up by a Gentleman unconnected with adminiſtration; that a bill had been brought in by one of the Directors, which he thought was much more proper than if brought in by adminiſtration; but that he certainly ſhould be for making the enquiry by a ſelect committee, and ſhould have been for it the firſt day of the ſeſſion, as he always thought it the moſt proper mode.

Lord Irnham, Col. Luttrell, Mr. Dowdeſwell, Mr. Cornwall, and Mr. Burke, objected to the enquiry being made by a ſelect committee, ſaying, they might as well have no enquiry at all, for that the ſelect committees never came in their enquiries to any thing; and therefore that the appointment of one tended only to deceive the people and would be ineffectual, Sir George Colebrook ſaid, that as one of the Directors, he could not but vote for an enquiry. Col. Barre ſaid, an enquiry ought to be made, as more cruelties had been practiſed in that country than even in Spain, but he condemned adminiſtration for not bringing on the enquiry before. The noble Lord told us (ſaid he) that at the beginning of the ſeſſion he was in confuſion, in the middle too we are in confuſion, and we ſhall end in confuſion; but, however, as I have always been for an enquiry, I am glad to accept this rather than none. The Bill however now propoſed to be brought in, will give little more relief to that large wound, which I can ſcarcely find words in the Engliſh language to deſcribe, than a bit of ladies ſticking plaiſter. Mr. Dempſter ſpoke next, and objected greatly to the enquiry of the ſelect committee, ſaying, he was ſure it would end in nothing; that he remembered a few of thoſe committees, but never found they came to any thing; and therefore that a committee of the whole Houſe would be the propereſt. After a debate, which laſted till 11 o'clock, the queſtion being called for, the motion was carried without a diviſion. Mr. Sullivan then preſented to the Houſe the following Bill relative to the Eaſt-India Company, which was read for the firſt time, and ordered to be read a ſecond time on Monday the fourth of May.

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A BILL *for the better Regulation of the Affairs of the* EAST-INDIA COMPANY, *and of their Servants in* INDIA, *and for the due Administration of Juſtice in* Bengal.

WHEREAS his late Majeſty King George the Second did, by his letters patent, bearing date at Weſtminſter, the eighth day of January, in the twenty-ſixth year of his reign, grant unto the United Company of Merchants of England, trading to the Eaſt Indies, his Royal Charter, thereby, amongſt other things, conſtituting and eſtabliſhing courts of civil, criminal, and eccleſiaſtical juriſdiction, at the United Company's reſpective ſettlements of Madraſpatnam, Bombay, on the iſland of Bombay, and Fort William, hath been found ineffectual and inadequate to anſwer the good ends and purpoſes now neceſſary to be attained:

And whereas the ſaid United Company have humbly beſought his Majeſty to grant unto them a more general and comprehenſive Charter for the due adminiſtration of juſtice in Bengal; to which, their humble requeſt, his Majeſty hath been pleaſed to condeſcend, and hath ſignified his moſt gracious intention to grant unto the ſaid United Company ſuch new Charter, ſo far as the ſame relates to the ſaid ſettlement of Fort William in Bengal, and the factories and places ſubordinate thereto.

And whereas it is highly neceſſary and expedient that ſundry regulations ſhould be made for the better management of the ſaid United Company's affairs, and alſo of their ſervants, and other his Majeſty's ſubjects reſident in India, and for the better adminiſtration of juſtice in the ſaid Company's ſettlement of Fort William in Bengal, and the factories and places now or hereafter to be ſubordinate thereto; and that ſuch regulations ſhould be enforced by the authority of Parliament;

May it therefore pleaſe your MAJESTY,

That it may be enacted, and be it enacted, by the King's moſt Excellent Majeſty, by and with the advice and conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the authority of the ſame, That in and by the ſaid new charter to be granted by his Majeſty as aforeſaid, it ſhall and may be lawful for his Majeſty to eſtabliſh a ſupreme court of judicature at Fort William aforeſaid in Bengal, and to grant and declare, that the ſame ſhall conſiſt of a Chief Juſtice, and three other Judges, to be nominated by the Court of Directors of the ſaid United Company, with the approbation of the Lord High Chancellor of Great-Britain, and the Lords Chief Juſtices of his Majeſty's Courts of King's Bench and CommonPleas; which ſaid Judges ſhall be named in the ſaid charter, and ſhall hold their reſpective offices under the ſame terms and conditions as the Judges of England do now hold and enjoy their reſpective office or offices, but in caſe the ſaid chief juſtice, or any or either of the ſaid other judges, ſhall be minded and deſirous to reſign his or their reſpective office or offices, and of ſuch his or their deſire and intention ſhall give year's notice to the ſaid United Company's preſident and council of the ſaid ſettlement of Fort William aforeſaid; or if it ſhall happen that, by reaſon of ſickneſs or other incapacity, the ſaid chief juſtice, or any or either of the ſaid other judges, ſhall be rendered incapable of attending to and performing the duty of his or their office or offices, that then, and in any

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or either of the ſaid caſes, it ſhall and may be lawful to and for the ſaid United Company's preſident and council at Fort William aforeſaid, to grant a licence to ſuch chief juſtice, or other judge or judges, to reſign his or their reſpective office or offices, and to return to England: And in any or either of the ſaid caſes before mentioned, or in caſe of actual diſmiſſion, as herein after mentioned and provided, it ſhall and may be lawful for the ſaid preſident and council of Fort William aforeſaid, forthwith to nominate and appoint ſome fit and proper perſon to ſucceed to and fill up any ſuch vacancy as may happen in the ſaid ſupreme court of judicature, until the ſame ſhall be filled up or ſupplied in the manner herein before directed.

And be it further enacted, by the authority aforeſaid, That the ſaid ſupreme court of judicature, by the ſaid new charter to be eſtabliſhed, ſhall have, and the ſame court is hereby declared to have full power and authority to exerciſe and perform all civil, criminal, and eccleſiaſtical juriſdiction by the ſaid new charter to be granted and committed to the ſaid court; and alſo ſhall be at all times a court of record, in the nature of a court of oyer and terminer and gaol delivery, and ſhall be a court of oyer and terminer and gaol delivery in and for the ſaid town of Calcutta and factory of Fort William in Bengal aforeſaid, and other the factories and places ſubordinate, or hereafter to be ſubordinate thereto.

And be it further enacted, by the authority aforeſaid, That it ſhall and may be lawful for his Majeſty, in and by the ſaid new charter, to grant and eſtabliſh, that in caſe any perſon or perſons whatſoever ſhall think himſelf, herſelf, or themſelves aggrieved by any ſentence, judgment, order, or determination of the ſaid ſupreme court of judicature, to be eſtabliſhed as aforeſaid, he, ſhe, or they ſhall and may appeal from ſuch ſentence, judgment, order, or determination, within days after the ſame ſhall be entered of record, to his Majeſty, his heirs or ſucceſſors; but no ſuch appeal ſhall be allowed of or brought, unleſs the debt or matter in litigation between the parties ſhall exceed in value ſterling, nor unleſs ſecurity be given in the ſum of ſterling, to anſwer the coſts of ſuch appeal.

And be it further enacted, by the authority aforeſaid, That the ſaid new charter, ſo to be granted by his Majeſty as aforeſaid, and the juriſdiction, powers, and authorities to be thereby eſtabliſhed, ſhall and may extend to all the ſaid United Company's ſettlements, factories, ſubordinates, and poſſeſſions, now or at any time hereafter to be acquired, in the kingdoms or provinces of Bengal, Bahar, and Oriſſa, and to all Britiſh ſubjects and Chriſtians who ſhall reſide in the ſaid provinces, or either of them, under the protection of the ſaid United Company; and the ſame charter ſhall be competent and effectual, and the ſupreme court of judicature, therein and thereby to be eſtabliſhed, ſhall have full power and authority to hear and determine all complaints of the natives of India againſt any of his Majeſty's ſubjects, for any crimes or oppreſſions whatſoever, and to proſecute any ſuits or actions, real or perſonal, againſt any of his Majeſty's ſubjects in India; and alſo for any debt, or for any complaint of any native of India againſt any other native of India, who ſhall, at the time when ſuch debt or cauſe of action or complaint ſhall

have ariſen, have been employed by, or ſhall then have been in the ſervice of the ſaid United Company, or of any of his Majeſty's ſubjects.

And be it further enacted, by the authority aforeſaid, That in caſe any complaint in writing ſhall be exhibited before the ſaid United Company's preſident and council of Fort William aforeſaid, againſt the ſaid chief juſtice, or any or either of the judges of the ſaid ſupreme court of judicature, to be by the ſaid new charter eſtabliſhed, for mal-adminiſtration of juſtice, or any notorious or corrupt breach of his duty or truſt, that then, and in every ſuch caſe, the ſaid United Company's preſident and council of Fort William aforeſaid ſhall and may, upon days notice to be given to ſuch chief juſtice or judge againſt whom ſuch complaint or complaints ſhall be exhibited, proceed to the hearing and determination of ſuch complaint or complaints; and in caſe the ſaid preſident and council ſhall be unanimouſly of opinion that the chief juſtice or judge, againſt whom ſuch complaint or complaints have been exhibited, hath or have been guilty of the charge and offence alledged againſt him or them, that then and in ſuch caſe it ſhall and may be lawful for the ſaid preſident and council of Fort William aforeſaid to ſuſpend the ſaid chief juſtice or judge, ſo found guilty, from his or their office or offices, and to appoint another chief juſtice or judge in his or their room and ſtead: Provided nevertheleſs, that the chief juſtice or judge ſo ſuſpended may, and he and they are hereby authoriſed to, appeal to his Majeſty in council againſt ſuch ſentence or judgment, ſo as ſuch appeal be preſented to and entered in the ſaid ſupreme court of judicature within Days after ſuch ſentence of ſuſpenſion ſhall be made or given, and ſo as ſuch appeal be proſecuted, by the party or parties appealing, with all due diligence; and from and immediately after ſuch ſentence of ſuſpenſion, and the appointment of a ſucceſſor or ſucceſſors to ſuch chief juſtice or judge ſo ſuſpended, in manner herein mentioned, the ſalary or yearly allowance of ſuch chief juſtice, judge, or judges ſhall go to, and be equally divided between the perſon or perſons ſo ſuſpended and ſuch ſucceſſor or ſucceſſors, until ſuch appeal, ſo to be brought and proſecuted as aforeſaid, ſhall be finally heard and determined; but in caſe no ſuch appeal ſhall be brought as aforeſaid, then and in ſuch caſe, at the end of days after ſuch judgment or ſentence of ſuſpenſion, the ſame ſhall operate and be conſidered to all intents and purpoſes as an abſolute diſmiſſion of ſuch chief juſtice or judge from his or their reſpective offices.

And be it further enacted, by the authority aforeſaid, That the preſident and council of the ſaid United Company's ſettlement at Fort William aforeſaid, and alſo the chief juſtice and judges of the ſaid ſupreme court of judicature to be by the ſaid new charter eſtabliſhed, and each and every of them, ſhall, from and after their reſpective returns to England, be, and is and are hereby declared to be ſubject and amenable to his Majeſty's court of King's Bench in England, for any breach of duty, or for any miſconduct or miſbehaviour in his or their offices or employments.

And be it further enacted, by the authority aforeſaid, That ſo much of the ſaid charter granted by his ſaid late Majeſty as reſpects or relates to the eſtabliſhment of the Mayor's Court at Calcutta aforeſaid, in Bengal, or to the civil, criminal, or eccleſiaſtical juriſdiction in the ſaid United Company's ſettlement there, or the ſubordinates

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dinates thereunto belonging, ſhall, from and immediately after the ſaid new charter to be granted by his Majeſty in purſuance of this act, ſhall be openly publiſhed at Fort William aforeſaid,

to all intents and purpoſes; but nevertheleſs the ſaid charter ſo granted by his ſaid late Majeſty ſhall in all other reſpects, and as for and concerning all or any other of the ſaid Company's principal Preſidency or ſettlements to which the ſame relates, or to any factories or places now or hereafter to be ſubordinate to ſuch principal ſettlements, continue, be, and remain in full force and virtue, according to the true intent and meaning thereof; and that as fully and effectually, to all intents and purpoſes whatſoever, as if this act had never been made, or the ſaid new intended charter ſhould never be granted.

And be it further enacted, by the authority aforeſaid, That all the records, minuments, and proceedings whatſoever of and belonging to the ſaid Mayor's Court at Calcutta aforeſaid, or to the courts of oyer and terminer and gaol delivery at Fort William aforeſaid, eſtabliſhed by the ſaid charter of his ſaid late Majeſty, ſhall, from and immediately after the ſaid court of judicature by the ſaid new charter to be eſtabliſhed at Fort William aforeſaid ſhall be ſo eſtabliſhed, be delivered over, preſerved and depoſited for ſafe cuſtody in the ſaid new court of judicature, to which all parties concerned ſhall and may reſort, and have recourſe, upon application to the ſaid court.

And be it enacted, by the authority aforeſaid, That from and after the it ſhall not be lawful for the Preſident Governor, or any of the Council of the ſaid United Company's Preſidency of Fort William in Bengal, or for the Chief Juſtice or any of the Judges of the ſupreme court of judicature at Fort William aforeſaid, to be by the ſaid new charter eſtabliſhed, directly or indirectly, by themſelves, or by any other perſon or perſons for his or their uſe, or on his or their behalf, to accept, receive, or take of or from any of the Indian Princes, or powers, or their miniſters or agents, or any perſon or perſons under their dominion, power, or authority, in any manner, or on any account whatſoever, any preſent, gift, donation, gratuity or reward, pecuniary or otherwiſe; nor ſhall carry on, be concerned in, or have any dealing or tranſactions, by way of traffick or commerce, of any kind whatſoever, either for his or their uſe or benefit, profit or advantage, or for the benefit or advantage of any other perſon or perſons whatſoever, or of any foreign Company in India, or by way of commiſſion for any ſuch foreign Company (the trade and commerce of the ſaid United Company only excepted); any law, uſage, or cuſtom to the contrary thereof in any wiſe notwithſtanding.

And, for the better and more effectually enforcing the ſeveral prohibitions and reſtraints aforeſaid, be it further enacted, by the authority aforeſaid, that the preſident or governor and each and every of the ſaid United Company's council of their ſaid preſidency of Fort William in Bengal, ſhall, upon entering upon his or their reſpective office or offices, take and ſubſcribe an oath in writing, in the words or to the effect following; (that is to ſay) " I A. B. do ſolemnly ſwear, that I will not, directly or indirectly, by myſelf, or by any other perſon or perſons on my behalf or for my uſe, accept, receive, or take, of or from any of the Indian princes or powers, of their miniſters or agents, or any perſon or perſons under their dominion, power, or authority, in any manner or on any account whatſoever,

any preſent, gift, donation, gratuity or reward, pecuniary or otherwiſe; nor will carry on, be concerned in, or have any dealings, or tranſactions, by way of traffick or commerce, of any kind whatſoever, either for my own uſe or benefit, profit or advantage, or for the benefit or advantage of any other perſon or perſons whatſoever, or of any foreign company in India, or by way of commiſſion for any ſuch foreign company (the trade and commerce of the United Company of merchants trading to England only excepted): And I the ſaid A. B. do further ſwear, that I will in all things, as far as in me lieth, duly, faithfully, and uprightly exerciſe, perform, and execute the office of (to which the ſaid A. B. ſhall be appointed) without partiality, favour, or affection. So help me God."

And be it further enacted, by the authority aforeſaid, that the chief juſtice, and each and every of the judges of the ſaid ſupreme court of judicature to be by the ſaid new charter eſtabliſhed, ſhall, upon his or their entering upon his or their reſpective office or offices, beſides the oath or oaths which ſhall be directed to be by them taken by the ſaid new charter, take and ſubſcribe the like oath in writing, as is herein before directed to be taken by the preſident or governor, and each of the ſaid United Company's council of their ſaid preſidency of Fort William aforeſaid.

And it is hereby further enacted, by the authority aforeſaid, that ſuch reſpective oaths ſo as aforeſaid directed to be taken and ſubſcribed in writing ſhall be ſo taken and ſubſcribed by the ſaid preſident or governor, and each of the ſaid United Company's council of Fort William aforeſaid, before the ſaid chief juſtice, or or more of the judges of the ſaid ſupreme court of judicature to be there eſtabliſhed, who are hereby authoriſed and impowered to adminiſter the ſame; and ſuch oath ſo as aforeſaid to be taken and ſubſcribed in writing by the chief juſtice and judges of the ſaid ſupreme court, ſhall be ſo taken and ſubſcribed by the ſaid chief juſtice and judges reſpectively, before the ſaid preſident, or or more of the ſaid council, who are alſo hereby authoriſed and impowered to adminiſter the ſame; and ſuch oaths ſeverally, when ſo taken and ſubſcribed, ſhall immediately be filed in the ſaid ſupreme court of judicature, and ſhall be kept and remain of record in the ſaid court.

And it is further enacted, by the authority aforeſaid, that in caſe the ſaid preſident, or any or either of the ſaid council, or the ſaid chief juſtice, or any or either of the ſaid judges of the ſaid ſupreme court, acting under the authority of this act, or by virtue of any power or authority to be given by the ſaid new charter, ſhall offend againſt this act, and in breach of the oath hereby required to be taken, every perſon ſo offending, ſhall and may be tried by indictment or information, in the ſaid ſupreme court of judicature, or in his majeſty's court of King's Bench at Weſtminſter, if the offender ſhall be found in any of his Majeſty's dominions in Great Britain, and being legally convicted of ſuch offence, ſhall be

Provided nevertheleſs, that nothing herein contained ſhall extend, or be conſtrued to extend, to prohibit or prevent any perſon or perſons, who by this act is, are, or ſhall be reſtrained from carrying on trade during their continuance in their reſpective offices in the ſaid United Company's ſervice, from collecting in their outſtanding

ing debts, or from ſelling and diſpoſing of their goods, wares, merchandiſe, effects, and ſtocks in trade, of which they were ſeverally poſſeſſed at the time of their entering upon their reſpective offices, ſo as the ſame and every part thereof be ſold and diſpoſed of within the ſpace of years after entering upon their ſaid reſpective offices, and ſo as no new trade, or concerns in commerce or merchandiſe, be entered into, carried on, or be contracted for by ſuch perſon or perſons, during the ſaid term of years.

And be it further enacted, by the authority aforeſaid, that if any ſubject of his Majeſty, his heirs and ſucceſſors, in the Eaſt Indies, ſhall, from and after directly or indirectly, advance and lend to any perſon or perſons whatſoever, any ſum or ſums of money, at a higher rate of intereſt than at and after the rate of for each one hundred pounds for a year, that then, and in every ſuch caſe, ſuch lending ſhall be, and is hereby declared to be uſurious, and the party ſo offending ſhall be ; and every perſon lending any ſum or ſums of money, at a higher rate of intereſt than as aforeſaid, ſhall and may be ſued and proſecuted for the ſame, by action of debt, bill, plaint, or information, in the ſaid ſupreme court of judicature, to be by the ſaid charter eſtabliſhed, and being duly convicted thereof, ſhall be ſubject and liable to the ſame pains, penalties, and forfeitures, as by the law of England ſuch perſon or perſons ſo offending would be ſubject and liable to if ſuch offence or offences was or were committed in Great Britain: And all contracts, agreements, obligations, and ſecurities, which ſhall be made or taken for the loan or payment of any ſum or ſums of money, which ſhall bear or carry an higher rate of intereſt than as aforeſaid, ſhall be, and are hereby declared to be to all intents and purpoſes.

And be it further enacted, by the authority aforeſaid, that from and after it ſhall not be lawful for any civil or military ſervant of the ſaid United Company in the Eaſt Indies, to accept, receive, or take, directly or indirectly, by himſelf, or any other perſon or perſons on his behalf, or for his uſe or benefit, of and from any of the Indian powers, or their miniſters or agents, or any of the Indian natives, any preſent, gift, donation, gratuity, or reward, pecuniary or otherwiſe, upon any account, or on any pretence whatſoever; and if any ſervant, civil or military, ſhall be guilty of any ſuch offence, and ſhall be thereof legally convicted in the ſaid court to be eſtabliſhed by the ſaid new charter, or in the mayor's court in any other of the ſaid United Company's ſettlements where ſuch offence ſhall have been committed, every ſuch perſon, ſo convicted, ſhall be liable to ſuch as the court before whom ſuch offender ſhall be tried ſhall think proper to inflict; and moreover ſhall, from thenceforth, be

And be it further enacted, by the authority aforeſaid, that from and after the it ſhall not be lawful for any ſubject of his Majeſty, his heirs and ſucceſſors, to hold or enjoy any office, poſt or employment, civil or military, under or by the authority of any ſtate or power in the Eaſt Indies, either European or Indian, nor ſhall be reſident in the country or dominion of any ſuch European or Indian power or ſtate, without the expreſs licence of his Majeſty, his heirs or ſucceſſors, or of the ſaid United Company, or of the Preſident and Council of the ſaid United Company's ſettlement, lying and being neareſt to the dominion of ſuch European or Indian power

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power or ſtate where ſuch perſon or perſons ſhall hold or enjoy any ſuch office, poſt, or employment; and if any perſon whatſoever, being a ſubject of his Majeſty, his heirs or ſucceſſors, ſhall have, hold, or enjoy any ſuch office, poſt, or employment, or be reſident in the country or dominions of any ſuch European or Indian power or ſtate, without ſuch licence as aforeſaid, every perſon ſo offending, ſhall and may be by the order of the Preſident and Council of the ſaid United Company's ſettlement neareſt to the place where ſuch perſon ſhall be then reſident, and ſhall and may be tried for the ſaid offence in the ſaid ſupreme court of judicature to be eſtabliſhed by the ſaid new charter, or in the mayor's court, of and belonging to ſuch of the ſaid United Company's ſettlements as ſhall be neareſt to the place of reſidence of the ſaid party ſo offending, and being duly convicted thereof, ſhall and may be at the diſcretion of the court which ſhall try ſuch party ſo offending; and moreover ſhall and may, immediately after the ſentence of the ſaid court ſhall have been inflicted, be ſent over to England, by order of the ſaid Governor and Council of ſuch ſettlement where ſuch perſon ſhall be tried and convicted as aforeſaid.

And be it further enacted, by the authority aforeſaid, That from and after it ſhall not be lawful for any ſubject of his Majeſty, his heirs or ſucceſſors, either by himſelf, or any other perſon or perſons whatſoever, to buy or purchaſe up any artillery, ordnance, muſquets, fire arms, ammunition, or warlike ſtores of any kind whatſoever, except for the uſe of the ſaid United Company, or for his own proper uſe and defence, or the protection and defence of his property, nor on any account, or under any pretence whatſoever, to vend, ſell, barter, utter, or diſpoſe of any artillery, ordnance, muſquets, fire arms, ammunition, or warlike ſtores of any kind whatſoever, to any of the natives of the Eaſt Indies, within the limits of any of the ſaid United Company's ſettlements or trade; and in caſe any perſon or perſons ſhall offend in the premiſes, every ſuch offender ſhall be, and is hereby declared to be and being duly convicted thereof, in the ſaid ſupreme court of judicature to be eſtabliſhed by the ſaid new charter, or in the Mayor's court of any other of the ſaid United Company's ſettlements where or near whereunto ſuch offence ſhall be committed, ſhall be liable and ſubject to ſuch as ſuch court ſhall, in their diſcretion, think fit to inflict and impoſe for ſuch offence.

And be it further enacted, by the authority aforeſaid, That from and after it ſhall not be lawful for any perſon or perſons whatſoever, who ſhall have been diſmiſſed from, or ſhall have voluntarily reſigned the ſervice of the ſaid United Company, or for any free merchant, free mariner, or other perſon, whoſe covenants or agreements with the ſaid United Company for reſiding or trading in India ſhall be expired, from thenceforth to carry on, or be in anywiſe concerned in any new trade, traffick, merchandiſe, or commerce whatſoever in the Eaſt Indies, without the licence of the ſaid United Company or their preſident and council, at the place or ſettlement where ſuch perſon or perſons ſhall reſide for that purpoſe, firſt had and obtained.

And be it further enacted, by the authority aforeſaid, That from and after if any ſervant or ſervants of the ſaid United Company ſhall be duly convicted by the judgment of any court of judicature

dicature, of extortion, breach of public truſt, embezzlement of public money, or ſtores, or of defrauding the ſaid United Company, or for carrying on any monopoly, every ſuch offender, after being ſo convicted, ſhall and may, immediately after the ſentence of ſuch court ſhall have been inflicted, be ſent over to England, by the order of the governor and council of the preſidency or ſettlement where ſuch offender ſhall be tried and convicted as aforeſaid; and moreover every ſuch offender ſhall be, and is hereby declared to be

And be it enacted, by the authority aforeſaid, That in caſe any military Officer of the ſaid United Company ſhall, by the judgment or ſentence of any court martial, legally confirmed, be found guilty of cowardice, or any or either of the offences above-mentioned, ſuch perſon or perſons, ſo found guilty ſhall, and he is hereby declared to be

And be it further enacted, by the authority aforeſaid, That after any judgment of the ſaid ſupreme court of judicature, or of any court of judicature in Great Britain, or at any of the ſaid United Company's ſettlements, againſt any of the ſaid United Company's ſervants, civil or military, for any debt or penalty due to the ſaid United Company, ſhall be made known to the court of directors for the time being of the ſaid United Company, it ſhall not be lawful for the ſaid United Company, or their court of directors, to releaſe or compound ſuch ſentence or judgment, or to releaſe, diſcharge, or put a ſtop to any proſecution, ſuit, or action commenced, or to be commenced, for any debt or penalty due to the ſaid United Company, or for carrying on any illicit trade, without the unanimous conſent of the ſaid court of directors, to be taken by ballot; and alſo the conſent of . . in number of the proprietors of the ſaid United Company, to be taken by ballot at a general court of the ſaid United Company, to be ſpecially called for that purpoſe, and of which general court days public notice, at the leaſt, ſhall be given before the holding the ſame, and of the particular occaſion for which ſuch general court ſhall be called.

And be it further enacted, by the authority aforeſaid, that it ſhall and may be lawful for the Preſident and Council of the ſaid United Company's ſettlement at Fort William in Bengal, from time to time to make and iſſue ſuch rules, ordinances, and regulations for the good order and civil government of the ſaid United Company's ſettlement at Fort William aforeſaid, and other factories and places ſubordinate, or to be ſubordinate thereto, as ſhall be deemed juſt and reaſonable (ſuch rules, ordinances, and regulations not being repugnant to the laws of this realm) and alſo to impoſe and levy all neceſſary and reaſonable impoſts and duties on commerce and trade, for the ſupport of the ſaid United Company's civil government in Bengal, and to ſet, impoſe, inflict, and levy reaſonable fines and forfeitures for the breach or non-obſervance of ſuch rules, ordinances, regulations, rates, and duties; but nevertheleſs the ſame, or any of them, ſhall not be valid, or of any force or effect, until the ſame ſhall be duly regiſtered in the ſaid ſupreme court of judicature, to be by the ſaid new charter eſtabliſhed, with the conſent and approbation of the ſaid court, and from and immediately after the regiſtering thereof as aforeſaid, the ſame ſhall be good and valid in law: But nevertheleſs it ſhall be lawful for any perſon or perſons to appeal therefrom to his Majeſty, his heirs or ſucceſſors, in council in England, ſo as ſuch appeal or notice thereof be lodged in the ſaid new court of judicature,

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judicature, within the ſpace of days after the time of the regiſtering ſuch rules, ordinances, regulations, rates or duties: Yet nevertheleſs ſuch appeal ſhall not obſtruct, impede, or hinder the immediate execution of any rule, ordinance, regulation, rate or duty, ſo made and regiſtered as aforeſaid, until the ſame ſhall appear to have been quaſhed or vacated upon the hearing and determination of ſuch appeal.

And be it further enacted, by the authority aforeſaid, That the Preſident and Council for the time being of the ſaid United Company's ſettlement at Fort William aforeſaid ſhall and may, and they are hereby reſpectively declared to be and to have full power to act as Juſtices of the Peace for the ſaid ſettlement, and for the ſeveral ſettlements and factories ſubordinate or hereafter to be ſubordinate thereto; and for that purpoſe they are hereby authoriſed and impowered to hold quarter-ſeſſions times within the ſaid ſettlement, and ſhall be at all times a court of record, with full power and authority to do and tranſact all matters and things which to the office of a Juſtice or Juſtices of the Peace do belong or appertain.

And be it further enacted, by the authority aforeſaid, That any offence or offences committed againſt this act, or any of the clauſes, reſtrictions, and regulations herein contained, ſhall and may be ſued for and proſecuted, according to the nature of ſuch offence or offences, by any perſon or perſons whatſoever, in the ſaid ſupreme court of judicature to be by the ſaid charter eſtabliſhed; in which no eſſoign, wager of law, or protection ſhall be allowed; and of all the fines by the ſaid ſupreme court of judicature inflicted and impoſed by the authority of this act, ſhall be to the uſe of the ſaid United Company, and thereof to the perſon or perſons who ſhall proſecute or ſue for the ſame; all which ſaid offences ſhall be tried in the ſaid court by a jury of Britiſh ſubjects, reſident at Calcutta, and not otherwiſe.

And be it further enacted, by the authority aforeſaid, That if any perſon or perſons ſhall be ſued, moleſted, or proſecuted for any thing done by virtue of this act, or the ſaid new charter, ſuch perſon or perſons ſhall and may plead the general iſſue, and give this act and the ſpecial matter in evidence in his or their defence; and if afterwards a verdict ſhall paſs for the defendant or defendants, or the plaintiff or plaintiffs ſhall diſcontinue his or their action or actions, or be nonſuited, or judgment ſhall be given againſt him, her, or them, upon demurrer or otherwiſe, then ſuch defendant or defendants ſhall have coſts awarded to him or them againſt ſuch plaintiff or plaintiffs.

And be it further enacted, by the authority aforeſaid, That this act ſhall be deemed and taken to be a public act; of which notice ſhall be judicially taken by all Judges, Juſtices, and other perſons whatſoever, without ſpecially pleading the ſame.

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THE

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To the Printer *of the* Political Regiſter:

SIR,

THE following "Diſcourſe, on the Nature and Foundation of Political Power, with Obſervations how far each Perſon is concerned to live in a State of Subjection to it;" is an attempt to refute the notion of an original contract ſubſiſting between prince and people, on which Mr. Locke, a favourite author, has built his ſyſtem of politicks. None, however, muſt think it is done with the deſign to recommend the political creed of Tories: on the contrary, the ſole aim of it is to inveſtigate truth, and point out what is moſt probable.

Few queſtions have been agitated with more heat than thoſe regarding the foundations of civil ſociety, and the laws whereby this ſociety is preſerved. On one ſide, principles have been eſtabliſhed with an evident tendency to foment eternal ſeditions, in the view of preventing tyranny; and on the other, the moſt horrid tyranny has been conſecrated for the purpoſes of repreſſing for ever all popular inſurrections. So that prejudice and paſſion may be ſaid to have been continual obſtructions in the way of moſt politicians, towards finding a juſt medium between theſe extremities.

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The partizans of Mr. Locke assure us, that he had discovered with great sagacity, the first foundations of civil society, before he drew from them the consequences that might be decisive of the disputes on those matters; and they further add, that no work of the kind has hitherto appeared equal to his in point of truth, accuracy of judgment, precision, and order.—'Tis however on the analysis Mr. Locke has made of the first foundations of civil society and political power, that I here propose to make some reflexions.

To understand, says Mr. Locke, in what consists political power, and to know its real origin, we must consider what state all men are naturally in. It is, says he, a state of perfect liberty; a state, in which without asking the leave of any other person, without depending on the will of any other man, they may do what they please, and dispose of what they possess, and of their persons as they judge proper, provided notwithstanding they keep within the bounds of the law of nature. He pretends that in consequence of the bounds prescribed by this law, the state of nature, though a state of liberty, is far from being a state of licentiousness.

He afterwards very clearly discusses the origin of the first right of property in the different things which men have acquired, or may acquire. He makes this right to consist in the fertility which every one by his labour and industry may give to an uncultivated piece of ground, or in the toils and cares whereby a man may procure for himself a thing, to which no one had any particular right. Every one, according to him, may consider as his own private property, the labour of his body and the work of his hands. Thus, whatever one gets from the state of nature by his toil and industry, belongs to him alone; and in the same manner, others will acquire like and as good things which has lain in common, and which they may make a property of by the same means. It may be seen in the fourth chapter of this work of Mr. Locke, how he justifies the origin of this property. And indeed, in this respect every thing seems quite rational, and no tolerable objection can be made to counteract and invalidate it.

The same cannot be said of the foundations on which Mr. Locke has pretended to establish civil government, or political power. He lays down for principle, that men in their natural state of equality and liberty, and possessed, as they are, from their labour and industry, of the best right and title that can be, to the property of the things they have so acquired, could not have given up to any one, any right over their persons and their goods, but in view of thereby procuring for themselves more considerable advantages than those they enjoyed, and espe-

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eſpecially of ſecuring themſelves from the dangers they could not otherwiſe avoid. This principle appears inconteſtable; for whether we conſider the power of princes, as proceeding from God, or we think, as Mr. Locke, that this power is the reſult of mutual conventions or contracts between the prince and ſubject, we cannot form any other idea of the ends of political power; we cannot imagine, whatever the origin of this power may be, that the people ſhould be delivered up to him, bound hands and feet, as it were, to remain entirely at his diſcretion, independently of the advantages they have reaſon to expect from it.

But Mr. Locke does not ſeem to have been ſufficiently apprized, that by making the origin of political power to conſiſt only in reciprocal conventions between the prince and people, that power muſt remain inevitably ſubject to an infinity of conteſts on the part of theſe people, on every occaſion and emergency wherein they might think the prince did not fulfil, as he ſhould, his engagements; which evidently ſhews us the neceſſity of a power much better ſecured for preventing the danger of frequent ſeditions to which a like government would be always expoſed.

In fact, as we may learn from hiſtory, nothing has been more fortuitous, more indebted to contingencies, than the eſtabliſhment of political power; and if ſo, Mr. Locke's mutual conventions will in the main prove to be a notion merely ideal. We cannot therefore better account for the power of princes, than by ſaying that it is originally derived from God. This is a truth acknowledged by all Chriſtian people: but as there are too many among them of a diſpoſition to incredulity, and as it is of ſingular importance that none ſhould entertain a doubt concerning the foundations of political power, it is very neceſſary to ſhew, that beſides the right princes hold from God himſelf, they have likewiſe another right, which alone might ſerve as a ſolid baſis to their power; and it is undoubtedly on a foundation of this ſort that the political power was eſtabliſhed, to which numbers of people ſubjected themſelves even long before it pleaſed God to manifeſt his will. And it may be further ſaid, that the idea of this right preſents itſelf ſo naturally, and is ſo neceſſary a conſequence of the foundation on which Mr. Locke has eſtabliſhed property, that we have good reaſon to be ſurprized at his not perceiving it; unleſs we rather chooſe to think that Mr. Locke had ſome private and favourite intereſt in view to make appear on this ſubject, more patriotiſm, than the temper and ſpirit of a philoſopher.

It not only ſeems juſt to eſtabliſh property on the labour and induſtry whereby men have endeavoured to acquire from the ſtate of nature the different things, which according to their wants, they had a deſire to appropriate to themſelves; but it may be likewiſe alledged that it is in virtue only of this primitive right that the numerous ſucceſſion of all the poſſeſſors of theſe things by right of inheritance, ſale, gift, and even of conqueſt, have been truly the proprietors of them. The right of conqueſt does not hinder the prince, who may gratify his ſoldiers or ſubjects with the gift of things conquered, to tranſmit to them at the ſame time the ſame title of property in virtue of which the diſpoſſeſſed enjoyed them; and this is probably one of the principal reaſons for princes not being able to take back the things they have ſo granted and given, unleſs in the caſe of ſome urgent neceſſity of the ſtate.

Now, if it be true, that this firſt title of property is the moſt natural and lawful, does it not neceſſarily follow that they who have taken men out of the ſtate of nature, that is, who have civilized them and made them ſociable, who have incorporated them under a government fit for adding to and ſecuring their advantages, as well as delivering them from the dangers inſeparable from their firſt ſtate, have acquired over this ſociety a political power as natural, and as lawful, as the right acquired by each private perſon over the things he has acquired from the ſtate of nature by his labour and his induſtry?

But to place this conſequence in its full light, it would be proper to examine into the motives, the foundations, and the ties of the firſt great ſocieties. We read in almoſt all the good works extant on theſe matters, that paternal power, and afterwards the ſort of magiſtracy, eſtabliſhed in the firſt little ſocieties which had been formed, were the occaſion, the model, and in a great degree the foundation of political power. In fact, it is hardly poſſible to doubt of the legiſlation of thoſe firſt little ſocieties, having been ſimply framed after an enquiry into, and on the foundation of the uſage eſtabliſhed in diſperſed families; and it is probable that paternal authority alone had eſtabliſhed in each family the uſages therein obſerved and followed. Hence it is manifeſt that no queſtion could there be concerning any contract or convention; and even in all appearance children, arrived at the age of providing themſelves for their ſubſiſtence and ſecurity, and diſpoſing of themſelves and ſubſtance, could not have failed in regard to the advantages ariſing from living in ſociety, to remain ſubject to ſome political power; it being very certain that this power is the only true bond of ſociety, and the only means of protection and ſecurity for the private perſons that compoſe it. The firſt chiefs who had exerciſed

erciſed political power in ſtates formed by the aſſemblage of the firſt little ſocieties, were therefore in the main nothing more than the ſucceſſors or ſubſtitutes of the firſt natural magiſtrates, who were originally fathers of families, and afterwards thoſe to whom the fathers of families tranſmitted their power for forming thoſe firſt little ſocieties.

It may be well judged that this firſt magiſtracy had not on many occaſions, the means of augmenting and ſecuring, according to exigencies, the advantages of the little ſtate it governed. It muſt then quite naturally have happened, that ſuch little disjointed and weak ſtates, from a ſenſe of the inconveniencies of their exiſtence, could not help feeling the want of ſome powerful protection. It is eaſy to conceive from thence with what ardour they muſt have aſſembled under the chiefs, who had ſubdued them, or who otherwiſe had merited their confidence, by ſupplying them with the means of exiſting in greater ſafety, and to better advantage; and there is good reaſon to preſume that theſe chiefs were originally ſuch only among theſe firſt magiſtrates, who were illuſtrious enough, and enterpriſing enough to ſubject the people whoſe confidence they had acquired; and that from ſo doing it was not difficult for them to extend and aſcertain their dominions, either by conqueſts, or the reputation of their government.

In order to make ſeveral ſmall ſocieties incorporated into a conſiderable ſtate, enjoy the advantages thereby expected, there was a neceſſity of their contributing thereto by much more care, labour, and induſtry, than they employed in their primitive ſtate of little ſocieties. They muſt therefore have ſubmitted without reluctance to more conſiderable obligations in favour of the new advantages they were going to enjoy. In all this there has not yet been any contract. We merely ſee people, made timid and uneaſy by the frequent difficulties of providing for their ſecurity, and attaining the poſſeſſion of the objects of their wants, receive without uneaſineſs, and even with gratitude, the means for guarding againſt thoſe difficulties; and like, in ſome meaſure, to the barren piece of ground which the cultivator renders fruitful by his labour, yield and ſubmit to the conditions impoſed on them, to ſecure the poſſeſſion and permanency of the advantages they deſire, and without which they have often experienced they could not exiſt but with pain and anxiety. The ſubmiſſion theſe people avow in ſuch caſe for the prince, is therefore nothing more than the effect of the confidence they are in, of thereby reſcuing themſelves from the miſeries and dangers to which they were expoſed in their ordinary ſtate.

But

But as it is certain theſe people would never have reſolved on yielding the power they tranſmit to the prince over their perſons and their goods, if they had not conſidered this ſacrifice as a ſource of happineſs to themſelves—it neceſſarily follows that the prince ought not to attempt, nor even imagine, as well for his own intereſt, as that of the ſtate, to ſubject theſe people to a form of government contrary to their genius and active diſpoſition, and conſequently to the confidence in which they deprived themſelves of their political liberty. In this manner it is that the only original contract ſubſiſting between prince and ſubject has been formed, and is in the nature of thoſe which civilians have called ſtipulated conditions for regulating the law of nations. As to what the prince has been pleaſed to preſerve to his ſubjects in the laws and cuſtoms they followed, and the privileges they enjoyed; this has been only ſo far as he judged convenient, and then the matter reſts as if the eſtabliſhment came from himſelf.

The diſcovery and eſtabliſhment of the beſt poſſible government, and the idea of the great advantages reſulting from it, are therefore the principal motive of ſubmiſſion which ſubjects vow to their prince. And indeed, we cannot think that the people were ever of themſelves in a condition for finding laws and the government that ſhould beſt ſuit them, it being impoſſible for private perſons, and of mean capacities, to place themſelves in the neceſſary point of view for making ſuch diſcoveries. None therefore but the prince, ſeconded by the great number of choſen perſons he is in a condition to employ, could have been able to place themſelves in that ſuitable point of view. Beſides, it is only by the effect of laws containing and exciting ſuitably the paſſions of men, that the proſperity of a ſtate can be ſecured and augmented; and it is eaſy to ſee why ſo great a body of laws could not take place in the ſtate of diſperſed families, or little ſocieties. Such then are the primitive titles of princes. They tranſmit them to their heirs, even to other princes that diſpoſſeſs them by right of conqueſt, as private perſons might tranſmit by inheritance, gift, or exchange, the property of the goods they have acquired by their labour and induſtry; and as the ſubjects of a conqueror are ſettled in the rights of proprietors diſpoſſeſſed by the fortune of war.

But Mr. Locke would ſay, where ſhall we fix in a monarchical ſtate the limits a prince ought to circumſcribe himſelf by in the exerciſe of his power? What ſhall be the certain principles of rules from which he ought not to depart to make his adminiſtration favourable to the proſperity of the ſtate? In ſhort, where ſhall we find an aſſured reſource againſt the abuſe of

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of political power?—This muſt be in the juſt relation that ſhould be kept up between the form of government, and the genius and active diſpoſition of the people ſubject to it, and in the danger of departing to a certain degree from that juſt relation. It cannot be doubted but that the firſt object of the attention of princes who had in view the forming of a conſiderable ſtate, was firſt to obſerve the manners and uſages of people, to judge from them of their genius and active ſpirit. There is reaſon to preſume that principally purſuant to this obſervation, the different conſtitution of ſocieties and governments have been formed; that is, that princes had aſſigned to the people, who had ſubmitted to be governed by them, a form of government more or leſs free, according to the ſtretch there ſhould have been left to their genius and active diſpoſition, and according to the advantages deducible therefrom for the ſupport and increaſe of their power, and for the well being of the ſtate in general which they intended to form. But the better to comprehend the reaſons of different forms of government, it will not be amiſs previouſly to diſcuſs, and properly to ſtate, a compariſon that has been frequently made between the animal and political body.

The relation between the animal and the political body, conſiſts in the order of action whereby the political, as well as the animal body, maintains its exiſtence. All the active parts of the animal body are comprehended, and as it were planted in a ſort of general organ, which of itſelf has no determinate motion; but which at the ſame time is ſuſceptible of all thoſe which the active parts it contains are to communicate to it; and it is only by the help of this action, which more or leſs is inceſſantly communicated to it, that it is in a condition to acquit itſelf of its functions. That paſſive organ, which ſerves as a baſis and ſupport to all the active organs of the animal body, repreſents exceeding well by its nature, by its functions, and by the cauſes that produce and renew its action, what the people are in the political body. The prince who is the principle of action in the political body, correſponds perfectly to the principle of action which determines all the motions of the animal body; and all the active organs, by which the action is tranſmitted from its principle to all the parts of the animal body, reſembles perfectly the intermediate powers, which the political power has eſtabliſhed to tranſmit its will to the different parts of the ſtate, and by them to have it carried into execution; and it is eaſy to comprehend that the political power is not leſs intereſted in the preſervation and welfare of the body of which it is the ſoul, than the principle

of

of action of the animal œconomy is in the preſervation of the animal body.

But if it were poſſible to ſuppoſe that the prince was for any conſiderable time deaf to well grounded complaints and remonſtrances of his people, the political body, like the animal body ſenſibly affected, would be in danger of ſoon loſing its active qualities by loſing its harmony. Then the leaſt return of irritation, the leaſt ſeditious contrivance ripe for execution, and very hard to be prevented on theſe melancholy occaſions, would almoſt inevitably throw him into a degree of convulſion, capable of ſhaking the foundations of the moſt firmly eſtabliſhed political power; and the danger would be the more imminent, if theſe people were of a ſpirited temper, and had a ſelf-conviction of the juſt degree of their privileges. But it ſhould be obſerved that though this mutiny be puniſhable, (for nothing of the kind can be lawful) yet it ſcarce would be more juſt to attribute it to a ſpirit of ſedition, or premeditated rebellion, than to make a man reſponſible for what he ſhould do in a violent delirium.

This matter requires to be further illuſtrated by many other obſervations; but having already exceeded the bounds of an eſſay, in your Regiſter, I ſhall beg leave to reſerve them for your next.

To the Printer *of the* Political Regiſter.

SIR,

THE words 'Vix gaudebit Hæres Tertius,' is ſaid to be a prophetic ſpeech of Edward the Confeſſor, in regard to the unfortunate reign of the third heir of any family or branch that ſhould reign after him in England to the end of the world. I confeſs for ſeveral reaſons the thought at firſt a little ſtartled me; and at length filled me with the curioſity of inquiring, from our ancient hiſtorians, into what was recorded of this Edward. I found ſomething equally ſurpriſing in *Guliel. Mal. de geſt. Reg. Angl. & Alfred. Abb. in vit. Edward.* Concerning the judgment and puniſhment of God upon the people of England for their ſins, revealed to this ſame King Edward a little before his death. He, as theſe hiſtorians ſay, having lain in a traace two days together, ſignified when he came to himſelf, that two religious men, whom he had known in Normandy to live and die with great edification, had appeared to him, and told him from God, that after his death, the kingdom ſhould for a time be delivered up into the hands of

of devils, and wicked ſpirits, for the ſins of the clergy and people. To this the king added, that when he had made preſſing inſtances to them for leave to make known the ſame, in order that the people might repent, and avert the wrath of God from themſelves, as the Ninevites did, the ſame religious men anſwered, that it would be to no purpoſe; for that they neither would repent, nor would God forbear to puniſh them; and when he further intreated to know when the wrath of God would be appeaſed towards them, and their ſins remitted, they anſwered him in this parable:

"When a green tree being cut off in the midſt, and one part of it ſeparated from the other, the breadth of three acres, ſhall without help come together again, bloom, and fructify; then ſhall they receive ſome comfort, and their ſins be remitted."

This he told the queen his wife, the Lord Robert ſteward of his houſe, Harald who was afterwards king, and Stigand biſhop of Canterbury; who were all preſent when he came out of his trance; and the event ſhewed ſhortly after, the truth of the firſt part of it, when Duke William of Normandy ſlew king Harald, and conquered the realm, and brought all its ſtate to miſerable ſervitude. As for the latter part of the parable, ſome have expounded it, that it was fulfilled, when Henry I. married Matilda or Maud, the king of Scotland's daughter; whoſe mother Margaret was daughter to Edmond Ironſide, and niece to Edward the Confeſſor; ſo that the tree, that is, the reign of Engliſh kings, being cut aſunder by the death of king Edward, in whom it ceaſed, was ſeparated from the trunk the breadth of three acres, that is, the reign of three kings, namely, Harald, William the Conqueror, and William Rufus; and came together again in Henry I. by his marrying Maud; and the tree fructified, when Maud the Empreſs, iſſue of that marriage, was mother to Henry II. in whom ceaſed the reign of ſtrangers in England, all his ſucceſſors being naturally Engliſh.

We may ſufficiently underſtand what the ſins of the people were, from the teſtimony of William of Malmeſbury, who lived in the ſame age. He ſays, that though all learning, religion and virtue had flouriſhed many years among the Engliſh, yet a little before the coming of the Normans, the ſame was utterly deſtroyed and decayed. For the Clergy were ſo unlearned, that they ſcarce could properly pronounce the words of the divine ſervice; and ſuch was the ignorance generally of all men, that a grammarian was held for a wonder. The Monks were wholly addicted to delicacy, and kept no rules of religion; the nobility and gentry devoted themſelves

ſelves to gluttony and laſciviouſneſs; there was no regard for religion, nor care of juſtice; inſomuch that the common people ſerved for no other purpoſe than a prey to the nobility, who ſpoiled and plundered them at pleaſure. It was a common cuſtom, when men had got their maid-ſervants with child, either to ſend them to the ſtews, or to ſell them for ſlaves. Drunkenneſs, and all vices that commonly accompany, or follow the ſame, were generally contracted throughout the whole kingdom.

King Edward himſelf, when he declared his viſion, ſaid, that the magiſtrates, as well ſpiritual as temporal, were no better than miniſters of Satan; that God was every where diſhonoured, law contemned, truth trodden under foot, mercy baniſhed, and cruelty triumphant; and therefore, concluded he, the wickedneſs of the Engliſh is now compleat and grown to its height, and the revenge and puniſhment thereof is ſhortly to follow.

To the Printer *of the* Political Regiſter.

SIR,

OUR Nobility and Gentry have run of late, and are daily running into ſuch exceſſes in regard to their pleaſures and amuſements, that it ſeems high time ſome reſtraint ſhould be laid upon them, even by law, to keep them from ruining themſelves and others. In the mean time they ought to be recommended to obſerve moderation, and taught rather ſomething of a more auſtere morality, which I ſhall endeavour to do in reflections on what is called the preſent taſte of the age; and here firſt,

On CARD-PLAYING.

THE man that knows how, ſays St. Evremond, to mingle buſineſs and pleaſures together, is never poſſeſſed by pleaſures; he takes them up, and lays them down as it beſt ſuits him. Pleaſures indeed, and buſineſs divide the life of man: the charms of the one allay the bitterneſs, or eaſe the fatigues of the other. But if pleaſures are neceſſary, they are very dangerous. It is therefore of the laſt importance to make a proper choice of them, and to taſte them with moderation, that nothing may be ſacrificed to them, to the prejudice of virtue, and the good of the community.

It

It is certain that innocent pleaſures are the happineſs of life, though not one can be long enjoyed without diſtaſte. It is certain alſo, that it is the imagination which is creative of all our pleaſures, and all our pains, and this is a new reaſon for amuſing ourſelves ſometimes. In ſhort, all agree that pleaſures and reputation are two general good things which ſeaſon others; and it is admitted in the ſevereſt morality, that honeſt pleaſures are not incompatible with real wiſdom. The wiſe and good have even this advantage, that their pleaſures are more durable, becauſe regular; and their life more calm and tranquil, becauſe more innocent. Trouble of mind is a ſubtle poiſon that kills us imperceptibly, when we have not beforehand learned to riſe ſuperior to events; ſo that there cannot be a more infallible remedy than pleaſure. It is even a ſpecific.

But how ſhall we ſeek after pleaſure, it will be ſaid, when we ſuffer? 'Tis true, pleaſure in the height of afflictions appears to us inſipid; but gradually it weakens the ſenſation of ſorrow, it ſtupifies pain, it diſſipates the diſagreeable vapours that riſe from time to time in the mind. Inſenſibly we again find ourſelves in our wonted ſituation, and tranquility upon the return reſtores us to our whole ſenſibility for the innocent pleaſures which vexation made bitter to us. We need only then make choice of theſe pleaſures, and make a good uſe of them. Eſpecially we ought to be very careful, that what ſhould be only pleaſure and amuſement, might not aſſume over us the authority of paſſions. This would at once become a deprivation of the heart and mind, and the very meaſure adopted for recreating the fancy, would be the inſtrument of our diſhonour and ruin.

I would then counſel the uſe of pleaſures, but not their uſe to intoxication. To prevent this ebriety, and to guard againſt it, I believe nothing better can be done, than to conſult as much prudence as taſte in the choice of pleaſures. If this maxim holds good for all pleaſures in general, its practice is infinitely more uſeful in the uſe of a favourite diverſion, called Card-playing.

We are wanting to ourſelves, when we let ſlip from us any one of all the reſources which pleaſures procure us. They are not only fit for withdrawing us from the feelings of our troubles, or for the reviving the taſte by the enjoyment of what may flatter us: but it is alſo a political concern to us to know how to indulge ourſelves in certain amuſements. That young gentleman, and that young lady, who without a paſſion, and even without a taſte for Cards, play only to introduce themſelves into the world, or to cultivate a commerce with it, often hap-

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pen to make known in them a merit, which otherwiſe would have lain concealed. If this known merit acquires for them conſiderable favour and powerful friends, they would injure themſelves if they had not preferred, through complaiſance, the pleaſures they loved leſs to that they loved moſt.

The corruption of the age has made of Card-playing a ſort of trade and buſineſs; and ſome have even reduced it into a ſort of ſyſtem, and ſomething worſe. At leaſt, let us grant to the ſhame of our times that we make a wretched commerce of it. Be therefore exceeding circumſpect that it ſerve merely as matter of amuſement to you. If you ſuffer it to riſe into a paſſion, it will ſoon run to madneſs. A gameſter by profeſſion, who expoſes to the chance of a die or card the patrimony he has received from his anceſtors, who hazards the fortune of his wife, and whatever nature has appropriated to the benefit of his children, beſides being a burden to himſelf, will quit the ſtage of this life loaded with obloquy and ſcandal. You will never ſee the well-meaning man, the man that is maſter of his paſſions, ſacrifice the pleaſures of a fine day, and of a peaceful night, to the fooliſh hopes of a ſort of fortune which is ſeldom made, and never made without giving a deep wound to honour. Can a rational being dread any thing more than to begin by being made a dupe of, and to end by becoming a knave?

I am ſatisfied that in general one may be a deep player, an honeſt player, and a noble player; but this character is as rare as that of a profeſſed player is dangerous. Yet what ſhould hinder playing for a ſmall matter, where neither the hope of gain, nor the fear of loſs can enter; where the chearful mind is always of the party, and ſeeks only to baniſh care by ſocial intercourſe.

It is ſaid, that a man is not ſo well known in other occurrences of life, as over his bottle, and at play. This is not always a ſure deciſive manner, yet I cannot think that he who betrays emotion on meeting with a rebuff, or regrets loſt money, is out of play liberal and pacific. Uneaſineſs ſhews a narrow ſpirit, and anger or avarice a meanneſs of heart. If one has ſufficient ſtrength and preſence of mind to hide his faults and vices, on ſundry occaſions the tart and covetous man will appear by reflection mild and generous; but if he does not ſupport this kind of hypocriſy in play; if a reverſe of fortune happens to diſcover his littleneſs and brutality, then one has a right to believe of him, that his natural diſpoſition is laid open, and his ſoul unmaſked. We judge more ſurely of his character by the firſt emotion that eſcapes him, than by falſe and ſtudied virtues, and he loſes in a moment what he had

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had been long in acquring, by not ſhewing himſelf ſuch as he was.

All the horrours one may be a witneſs of, even in moderate playing, may ſoon confirm him in opinion, that it is very difficult for a man to retain his integrity intire in deep play. It is an immediate occaſion for going headlong into all vices. The ſtock ſoon fails; it muſt be reinſtated, coſt what it will. At length, uſury and injuſtice come in with their aſſiſtance, or friendſhip lends on pledges and mortgages; the fatal reſource of deep players! And then what can be a more poignant affliction than to ſee a family-eſtate loſt for ever; or can the Gameſter ſurvey the ſpectacle, ſhocking indeed, with dry eyes, and without a heart-ach?

I cannot make you more ſenſible of what I think of gaming, than by propoſing to you the contraſt of two ſorts of ſituations in reſpect to Card-playing. Enter for a moment thoſe coffee-houſes in the politer part of the town, and you will ſee all new comers, young, and of opulent fortunes, prodigiouſly careſſed, their wit and ſenſe applauded, and precedents given them on moſt occaſions, purpoſely to draw them in. There ſittings are held for whole days and nights, without ſtirring. Hunger perhaps, and want of ſleep, are reputed as nothing, dejection and ghaſtly countenances ſhew the image of death; and agitation, complaints, diſtorted features, and blaſphemies make a picture of hell. This is drawing after nature a pourtrait of our deep players.

Take from theſe ſame actors, perſons perhaps otherwiſe of ſingular merit, who groan under the yoke they have impoſed on themſelves; take from them, I ſay, that dangerous goad that eggs them on, that deſire of gaining, and that fear of loſing, the neceſſary conſequences of a madneſs for gaming; place them in the midſt of a ſelect and genteel company, who have learned to ally pleaſures with virtue: propoſe to them perhaps a party at whiſt to go before an elegant yet frugal collation; then what ſentiments and what thoughts! how many pretty things! The heart and mind maſters of themſelves, make themſelves maſters of pleaſures; and they who were furies become again men. In both places there is Card-playing, but we find a great diſparity in the perſons; and thence we may be ſenſible of the pernicious effects of too headſtrong a paſſion, and the pleaſing reſources of innocent amuſement.

Let none be guilty of any trick at playing; it ſavours of the cheat, and is quite infamous: yet there is a ſort of knowledge in play which is admiſſible. This ſcience which ſome ſtupid people readily take, and which often eſcapes the ingenious,

nious, may be called the ſpirit of the game; and it conſiſts principally in attention and practice. 'Tis true that too much attention marks ſomewhat of too great an attachment, which muſt be a vice of the mind; yet a perpetual inattention, which occaſions the playing very ill of a game, which can afford no pleaſure but when it is played well, is an evident proof of a wandering diſpoſition, or an evaporation of the mind. Whatever you do, do it well: it is a juſtice and pleaſure to yourſelf and others.

Madam Tumultuoſa at Lady Baſto's rout, makes herſelf one of the moſt inſipid creatures living. She would fain appear the beautiful and young thing, but is neither. Her whole talent lies in ſcandal. Incapable of the leaſt reflection, ſhe is quite tireſome at the card-table; yet without cards ſhe would not be able to live out the day. Sometimes her diſtractions are ſo ſtrange at whiſt, as to aſk every moment, whether ſhe herſelf has played, who has, and what; and to juſtify this extravagance, ſhe ſays that attention is only fit for a gambler.

On the contrary, Sophoniſba, who ſometimes appears at the ſame rout, has the preſence of a queen with a thouſand external graces; but ſhe has ſtill more virtues than graces, all which ſhe ſupports by the nobleſt manner. She is familiarized to pleaſures, and loves them, but loves reaſon infinitely more. She is ſeen with a hand of cards, in the midſt of a numerous and brilliant company, to divide her attention with ſo much juſtneſs, as to make all ſenſible of her politeneſs and goodneſs of heart, yet without committing the leaſt fault at play. Whence I conclude that a man deſtined for the commerce of the world, ought to be intelligent in play, without loving it too much, and ought to play well the game he ſits down to, and above all play it nobly.

Play not too indolently, yet likewiſe let no troubleſome uneaſineſs, no ſilly joy, no debaſing fear be diſcernible in you. Take to the middle between too much attachment and inattention. Strive to make yourſelf ſenſible, that if Card-playing diſhonours thoſe who make a ſhameful commerce of it, if it diſpays in full light their avarice and brutality, it is not leſs for the good man an infallible means to ſhew without oſtentation the integrity of his ſentiments, the juſtneſs of his mind, the politeneſs of his manners, and the evenneſs of his temper.

The moſt obnoxious part of the Miniſtry's Conduct in the Affair of the Royal Marriage Act, explained.

IN every act properly planned, there is a ſpecifick penalty to be inflicted on thoſe who tranſgreſs it. Accordingly the laſt clauſe of the act in queſtion runs thus: "And be it enacted by the authority aforeſaid, that every perſon who ſhall knowingly and wilfully preſume to ſolemniſe, or ſhall aſſiſt, or be preſent at the celebration of any marriage with any ſuch deſcendant, or at his or her making any matrimonial contract without ſuch conſent as aforeſaid firſt had and obtained, except in the caſe above-mentioned, ſhall, being duly convicted thereof, incur and ſuffer the pains and penalties ordained and provided by the ſtatute of proviſion and pre-munire made in the 16th year of the reign of Richard the Second." When the expediency of this clauſe was debated, Mr. Vaughan got up, and with great judgment aſked the crown lawyers how offenders under this act were to be proſecuted? Was it by information? Was it by indictment? Was it before a jury, or before the privy-council, where no jury is admitted? Mr. Thurloe, the attorney-general, aroſe with his uſual ſolemnity, and with an oracular voice, declared that offenders were to be proſecuted by indictment before a jury. This happened, if I miſtake not, on Wedneſday; and ſo the matter reſted. On Friday Mr. Vaughan, having examined the ſtatute, and enquired into the manner of proſecuting under it, called the Attorney General, and the reſt of the miniſtry, to account, and proved very clearly to the Houſe, that, if the words of the Royal Marriage Act continued in their preſent form, all offenders againſt that act muſt neceſſarily be tried and puniſhed in a ſummary manner by the privy council. He conjured the Houſe therefore not to ſuffer themſelves to be impoſed upon by this artifice, nor to let the ſubject be deprived of the ineſtimable, and indeed unalienable privilege, of being tried by his peers; nor to ſuffer a ſtar-chamber inquiſition to be again inſtituted, but to preſerve the ancient conſtitution inviolate, and in this reſpect to tranſmit it unimpaired to their poſterity, as they had received it. He pleaded in vain. Numbers prevailed. Though Thurloe and North had nothing to ſay in defence of the clauſe, and were therefore ſilent, no alteration or amendment was made. They would not even enter upon a diſcuſſion of the matter; but voted roundly and in the lump for the whole. Thus are the people of this realm rendered by this act ſubject to the diſcretion and deſpotiſm of the King and his council. The framers of this act knew the poiſon that lurked under

under this infidious clauſe, and were therefore cautious how they explained their intentions. Hence the obſcure manner in which the penalty is intimated to the public. Inſtead of explicitly naming the penalty, they quote an old, unknown and obſolete law of Richard the Second. Had Mr. Vaughan, whoſe ſagacity and ſpirit on this occaſion were conſpicuous, been properly ſupported, the bill might perhaps have been rejected. But the minority are but irregular, undiſciplined troops, without any leader; while the majority are trained bands under an experienced commander, and, what is more, well and duly paid. Veterans will at the long run always defeat raw ſoldiers.

ORIGIN *of* JURIES.

WHEN the Anglo-Saxons had ſettled themſelves in their conqueſts, they derived from toil and induſtry the ſubſiſtence which they formerly drew from depredation and war. An idea of property aroſe among them; and it was ſucceeded by a fear of public invaſion and of private injuſtice. They found a bulwark againſt the firſt, in their valour: they obviated the inconveniencies of the ſecond by civil regulations. Their mode of domeſtic policy was, at the beginning, as ſimple as their method of carrying on war. They owed their ſafety at home to their general ideas of natural juſtice: and their renown abroad more to valour than to their addreſs in the field.

Courts of juſtice were prior in their inſtitution to legiſlative aſſemblies. Nature has implanted the principles of equity in the human mind; and laws are rather the declarations of the community againſt injuſtice, than definitions, which conſtitute, by explaining the nature of, crimes. Though the Anglo-Saxons, in their progreſs towards the ſouth, loſt the reverence of their anceſtors for kings, they retained their principles of internal police and government. Each tribe, as ſoon as it obtained ſettlements, divided its territories into ſmall diſtricts, for the convenience of civil juſtice, as well as for the ſudden demands of war. The people finding it inconvenient, upon every trivial occaſion, to convene in a body for determining upon controverſies by the plurality of voices, devolved their authority upon a judge choſen annually by themſelves.*

This

* Judicis, ut et magiſtratus omnis, olim penes populum electio erat, confirmatio penes regem. Stiernhook de Jure Sueonum et Gothorum vetuſto, lib. i.

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This officer, being in his own diſtrict the repreſentative of the king, who poſſeſſed the executive power of the ſtate, was confirmed in his place by the royal approbation. The mode of election, which prevailed among the Anglo-Saxons beyond the reach of records, was probably the ſame with that which obtained in Scandinavia in leſs diſtant times. When a vacancy happened, the people of the diſtrict were convened by the prieſt. The vulgar met with the better ſort in this convention; and every one preſent had a right to vote. They choſe twelve out of the number preſent; ſix landed proprietors, and ſix of the inferior peaſants. Theſe fixed on three whom they thought equal to the office; and the election being announced to the king, he ſelected one of the three for diſcharging the duties of a judge.†

When the matter in diſpute was clear and obvious, the judge decided without heſitation; and his deciſion was enforced. When the caſe ſeemed dubious, he demanded aid from the wiſdom of others ‡; and the litigating parties ‖ choſe ſix perſons, on either ſide, to be his aſſiſtants. Theſe were appointed to enquire into the fact; and having determined upon it, by the majority of voices, they delivered it over to the judge, who was obliged, without delay, to paſs ſentence upon the fact ſo delivered, according to the uſages of the diſtrict, and the eſtabliſhed laws of the ſtate. The different departments and powers of the jury and judge were aſcertained with preciſion, and defined with accuracy. The jury took cognizance of the fact, the judge declared the law: the firſt ex-

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Eliguntur in conciliis et principes, qui jura per pagos vicoſque reddunt. Tacit. Germ. xii.

† Electio autem reſtricta, certo modo et conditione, peracta. Quoties enim vacabat locus, populus convocatus per ſacerdotem, ex ſeipſo duodecim electores eligebat, ex equeſtri ordine ſex et totidem ex plebe, qui tres alios viciſſim eligebant quas pares muneri exiſtimabant, ex quibus unum rex confirmabat. Stiernhook, lib. i.

‡ Ubi res aut confeſſione, aut teſtibus, aut aliis documentis non ſatis eſt manifeſta in ſubſidium (Judicis) Nembda, a majoribus conſtituta fuit; quæ *rem vel factum* quoquo modo exploratum judici tradere teneretur, ut ſine mora ſententiam ſuper ea re *ex jure conceſtam* ferret. Id. ibid.

‖ Nembdam partes litigantes eligebant, pari numero utrinque. Id. ibid.

I

plained the ſtate of the caſe; the latter decided the ſtate of the controverſy.§

The apparent equity of trials by jury recommended the practice ſo ſtrongly to the people, that their interpoſition became neceſſary in all legal determinations. The jurors gradually became members of the court; and though their deciſions were grateful to their fellow-citizens, their office became troubleſome to themſelves. When the parties retained the right of chuſing them, a new jury appeared on every new cauſe.* All the members of the community were alternately harraſſed by attendance; ſome refuſed to come, and others delayed to come in time. The practice was too good in itſelf to be dropt: and the magiſtrate found himſelf obliged to interfere. The judge, or the king's lieutenant in the diſtrict, ſummoned therefore a ſtated jury, from the diviſion of the kingdom, over which he preſided; and the parties, inſtead of chuſing twelve, were only permitted to object to a certain number.**

The original office of juries, which the northern nations diſtinguiſhed by the name of Nembda, and other appellations expreſſive of their nature,† was only to enquire into the fact, and, having explained it with great attention, to deliver it over CERTAIN to the judge ‡. They were conſidered as the competent judges of the true ſtate of the fact, but they were not ſuppoſed to be verſed in the proviſions which the antient uſages

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§ Circa alia officium judicis, circa alia Nembdæ. Nembda *de facto* cogneſcebat, judex *de jure*. *Illa* ſtatum cauſæ, *hic* ſtatum controverſiæ decidebat. Stiernhook, lib. i.

* Nembda vera ab initio, ſtata & ordinaria non fuit; ſed alia atque alia, non modo in quolibet judicio ſed et qualibet in cauſa. Id. ibid.

** Succeſſu autem temporis, cum ejus officium neceſſarium eſſet, conſiquitio, vero pro ſingulis in ſingulis cauſis gravis videretur, de certis & ordinariis cogitari cœptum eſt, ne eorum penuria aut defectu cauſæ pro laterentur. Itaque judex ipſe vel præfectus provinciæ regius, utrinque enim de jure extat, Nembdam conſtituebat, viros honeſtos, domicilii certos. Stiernhook, lib. i.

† Quod deputati Nembdeman, quod duodecim Twelfman, quod integræ vitæ Gauneman, quod ſenes Oldungar, nominat fuerunt. Id. ibid.

‡ Facti tantum cognitio, nulla juris dictio Nembdæ. Id. ibid.

Officium autem Nembdæ non fuit quod hodie cum judice judicare et per ſuffragio ſententiam dicere, ſed, quod modo dictum, factum tantum examinare, explicare judici certum tradere. Id. ibid.

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ges and the laws of the ſtate had made for the relief of the injured, and the puniſhment of the guilty. Their juriſdiction, however, encreaſed in the northern Europe in the courſe of time. They became the judges of law as well as of fact: from giving only their opinion to the judge, they roſe to be his aſſeſſors; and his power degenerated to ſuch a low degree, that he became at laſt the mouth through which they communicated their deciſions to the public ‖.

The mode of proceeding before juries which was practiſed in Scandinavia differed from that which has obtained in England. The majority of voices determined, on the continent, the guilt or innocence of the culprit. In England, all the members of a jury muſt agree in the deciſion: and either compleatly abſolve, or thoroughly condemn. The juries of the north delivered their judgments upon the whole of the caſe: in this country, they found their verdict, as the word imports, only upon the fact §. In Scandinavia the ſuffrage of the majority, as has been already obſerved, acquits or condemns: the ſuffrage of ſeven, out of twelve, determines the fate of the defendant:—But when the voices are equal, the law inclines to mercy, and the culprit is abſolved *. It appears clear, upon the whole, that the original power of juries did not extend ſo far as to judge with the judge †; but only to examine and explain the *fact only*, and to deliver it over, in its true and certain ſtate, to the judge, for his deciſion, according to ancient uſage and the eſtabliſhed laws of the land ‡.

‖ Videntur pro ſuo arbitratu ſtatuiſſe, et tam de jure, quam de facto. Stiernhook, lib. i.

De conſuetudine vero hodie Nembdæ ex officio judicis participat, confuſis enim officiis ſimul de facto et jure cognoſcunt et adjudicant tanquam aſſeſſores, judice tantum preſidente. Id. ibid.

§ Facti tantum cognitio. Id. ibid.

* In eo tamen abit jus Anglicum a noſtro, quod omnes et ſinguli ſimul vel abſolvere debeant vel condemnare, non præciſe quem omnes ſed quem major pars Nembdæ abſolverit vel condemnarit: itaque ſeptem ſuffragiis reus vincit vel vincitur. Si autem paria utrinque fuerint, in meliorem partem inclinat jus noſtrum, et abſolvi eum quam condemnari humanius exiſtimavit. Stiernhook, lib. i.

† Non cum judice judicare. Idem. ibid.

‡ Denique in factum Angli condemnant vel abſolvunt. Id.

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The ſubordination, without which no government can ſubſiſt, was regulated with preciſion and wiſdom, by the free nations of the north. It however obtained leſs between perſons than things. In peace, a kind of equality prevailed among all; though merit, and even neceſſity, gave birth to gradations of authority in war. It was an eſtabliſhed maxim, that the few ſhould yield to the many: that the courts of the leſſer diſtricts ſhould poſſeſs no power of deciſion which could not be reverſed by thoſe of the greater. A general chain of appeal was eſtabliſhed from the court of the tithing to the council of ſtate; where the king preſided in perſon, being acknowledged, in the loweſt ebb of his perſonal power, the fountain from which all authority flowed.

The following Letter was inſerted in the London Packet *of May* 1; *but that not being the Channel through which the celebrated Letters of* Junius *have been uſually conveyed to the Public, ſome Perſons, notwithſtanding the Elegance of the Style, ſuſpected this was not the Production of that able Writer, the Editor of that Paper, therefore, inſerted the following Advertiſement:*

"The Publick may be aſſured, that for ought the Editor knows, the Letters ſigned *Junius*, in the *London Packet*, came from the original Adopter of that Signature. One thing, however, he does know, that the Style is by no means inferior to that of the Letters univerſally fathered on the real *Junius*."

To the Printer of the LONDON PACKET.

SIR,

WHATEVER my enemies may collect from my ſilence, I am too loyal a ſubject to be long regardleſs of the royal virtues of my approved good maſter. I purpoſe ſhortly, once more, to attempt his entertainment, though my firſt eſſay in his ſervice met with ſo rudely ungracious a reception. To pay a proper attention to the accumulated exigencies of government, and to maintain, with conſiſtency, the ridicule of the meaſures he has adopted, is ſurely a taſk too laborious to be ſupported without intermiſſion. His aſſiduous culture of the ingenuous arts, with which no liſping infant is unacquainted, muſt require frequent relaxation. I would eſteem it as the firſt happineſs of my life, ſhould my labours ever ſucceed, to amuſe the liſtleſs tediouſneſs of his vacant hours, or in any degree alleviate the painful repe-

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repetition of thoſe cares, which have already ſo effectually ſecured the affections of his grateful ſubjects. The unfaſhionable ſtile of honeſt admonition, proved, it ſeems, too harſh for the delicate texture of his royal ears. Ever conſiſtent with the plan of loyalty and moderation, which I from the firſt profeſſed, I ſhall for once attempt, in form more courtly, to preſent him with incenſe more agreeable. A tribute ſo uncommon, as the approbation of an independant Engliſhman, may perhaps ſurpriſe him: yet he may believe me, when I declare, that I ſhould not have taken the liberty of introducing his ſacred name upon this occaſion, were it not to reward his matchleſs penetration in the choice of his miniſters, with thoſe praiſes, which I feared the religious humility of modeſt merit might render him unconſcious of deſerving.

Many Engliſh princes, before our preſent gracious ſovereign, had conceived the pious deſign of reſtoring in fact a doctrine, which the folly of our philoſophers had exploded; and reigning by divine right the arbitrary, unlimited tyrants that heaven undoubtedly intended them. Yet by the ſacrilegious obſtinacy of their rebellious ſubjects, he had ſeen them continually obliged, either to abandon the unhappy inſtruments of their holy ambition, or fall themſelves a ſacrifice to their ſecurity. Thus the intention of taking upon himſelf alone the cares of ſtate, and freeing the other powers from the heavy load of a vexatious adminiſtration, was not more benevolent than it was dangerous. He was incapable, however, of being diſcouraged, by any difficulties attending the execution of a deſign, which he had undertaken upon ſo humane a principle. He had ſeen meaſures the moſt artful carried into execution, by ſervants of the greateſt reſolution and fidelity, uniformly unfortunate. A new ſyſtem of policy therefore, and miniſters of unuſual qualifications, were neceſſary, where every infamous ſuggeſtion of royal cunning, had been already nearly exhauſted, without ſucceſs. His Majeſty has adopted, in fact, a courſe of meaſures, which ſuch a genius as himſelf alone, could have eſteemed plauſible in theory; and left us to doubt with humility, whether we ought more to admire his wiſdom in the deſign, or his ſucceſs in the execution. No poſſible concurrence of circumſtances, could have been conceived better calculated, to aſſiſt the accompliſhment of his gracious intentions. Had his boſom friends and aſſociates, been leſs infamouſly contemptible, had their political manœuvres been leſs glaringly ridiculous, it would have been poſſible, that the exiſtence of ſuch phænomena might have been believed. The people would ſoon have become ſenſible, of the degrading injuries they have ſuſtained, and would have been with difficulty withheld from recurring to a precedent, they had ſo often practiſed with ſucceſs.—But when the conduct of adminiſtration manifeſts ſuch an incongruous complication of timid arrogance, and petulant irreſolution—When the moſt daring attacks upon the liberty of the ſubject, are advanced and ſupported, without the appearance

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of a regular design—When measures the moſt oppoſite are adopted and diſcarded, with a prepoſterous rapidity of ſucceſſion, without their ever blundering into a ſingle act, that a man of common honeſty would not ſhudder at, that a villain of common underſtanding would not be aſhamed of—The mind revolts from ſuch a hiſtory of improbabilities. The body of the nation partly from indolence, and partly from the neceſſary avocations of commercial employment, want either leiſure, or reſolution, to attend this miraculous ſyſtem thro' its every ludicrous variation. Incapable of reconciling what they hear, to any poſſible theory of deſign, they either conceive at once, that they muſt have been miſinformed, or too much deſpiſe the men, to fear any evil conſequence from ſuch ſhallow machinations. Traitors thus ſecure a refuge from the vengeance of their injured fellow-citizens, in the magnitude and extravagance of their infamy: and by the very means, which a leſs penetrating genius than our gracious ſovereign would have imagined, muſt have inſured their deſtruction, they are preſerved to the continuance of their crimes, and the ruin of their country.

When I remark the happy inconſiſtency, and ſucceſsful irreſolution of our reſpectable rulers, I am appriſed of an uſual exception, I mean that blubbering, bluſtering piece of oratorical machinery, whoſe ill ſtars, in conjunction with the neceſſities of the Duke of Grafton, have placed him at the head of the treaſury. I admit his claim to a particular conſideration. The hiſtory of his pretenſions may afford matter of entertaining ſpeculation, to thoſe philoſophers, who delight in the monſtrous productions of nature. Nor will compaſſion allow me to refuſe him that palm of fortitude and conſiſtency, which he has ſo painfully laboured to deſerve. Painfully indeed, when the recollection of what he had done, and what he had ſuffered, could bring tears into his eyes, in ſo public a place as the Houſe of Commons.—There was a time, when the Miniſtry began to fear, that they had ſucceeded farther than they intended, that while they expected but to excite the contempt of the people, they had unfortunately rouſed their indignation. The political ſyſtem, their gracious maſter had adopted, was never eſteemed too deſpicable to be maintained; yet, on the firſt appearance of danger, he found himſelf deſerted. Though their ſouls were callous to the ſting of infamy, fear, as well as every other baſer paſſion, bore its part in the compoſition of their character. And their examples have at leaſt been of uſe to inform us, what wonders the ſmalleſt exertion of reſolution may effect. There ſtill however remained one villain, whoſe intrepid meanneſs, was not to be diſcouraged by any preſage of either peril or diſhonour. He rather congratulated himſelf on the proſpect of ſo fair a field, for the diſplay of thoſe boaſted Roman virtues, with which the world was as yet unacquainted. He ſeized the deſerted helm—He pledged himſelf to his country, that every execrable meaſure of his infamous predeceſſors, ſhould be adhered to with firmneſs and uniformity—That every grievance

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ance and oppreſſion, againſt which we have petitioned and complained, ſhould be continued and increaſed, with remorſeleſs perſeverance—He pointed out with a curious felicity, the ſteps by which he hoped to root out the very memory of freedom from amongſt us, and render the Britiſh name more infamouſly notorious, than it had ever been honourably diſtinguiſhed. And now, with an effrontery peculiar to himſelf, he ſolicits our applauſe of his ſteadineſs, and conſiſtent reſolution.—Candour indeed muſt own, that no part of his engagements have remained unfulfilled.—That he has ever continued the confirmed invariable villain, he originally profeſſed himſelf. If he has at any time, appeared to have relaxed the tone of his adminiſtration, we ſhould conſider the extreme difficulty of the character he has aſſumed, and allow for thoſe human wanderings, from which the greateſt geniuſes are not exempted. For my own part, I am incapable of being uncandidly ſevere, in my ſtrictures upon any man. I allow him all the merit he undoubtedly poſſeſſes, and conſider it as the ſole effect of accident, if he has ever deſerted the footſteps of his predeceſſors, or in ſpite of his attentive caution, been betrayed into any thing like the ſhadow of a virtue.

I will venture to affirm, that our liberties have never at any former period, been invaded with an equal proſpect of ſucceſs. The greateſt advantages the tyrants of earlier ages could boaſt, were but temporary and precarious. The heroes that diſgrace the preſent æra, ſeem to have ſucceeded in lulling to reſt, that watchful ſpirit of oppoſition to illegal meaſures, by which alone the conſtitution has been maintained, and with whoſe extinction it muſt periſh. It would ſeem too, that providence, as a judgment on our indolent acquieſcence with their infamous deſigns, had taken part with our oppreſſors—Elſe to what hidden cauſes ſhall we refer the uniform ſucceſs of meaſures, whoſe intention was not more deteſtable, than their execution has been ridiculous, while plans of operation, at once the moſt judicious, and the moſt public ſpirited, have been attended in every inſtance with diſappointment. The Americans have been ſtarved into a diſgraceful capitulation. The remonſtrances of the Engliſh have been received, and neglected with all the cool careleſſneſs of reſolute diſdain. The firſt ſervant of the people has dared to deſpiſe their petitions, and by a contemptuous diſavowal of all intention of redreſſing their grievances, tacitly called upon them to aright themſelves. Yet careleſs at once of the future, and forgetful of the paſt, the repetition of injuſtice has ſerved but to increaſe their ſubmiſſion. And while every oppreſſion that excited their complaints, remains aggravated with the moſt poſitive denial of redreſs, they act as if they had miſtaken the effect for the cauſe, and conſidered theſe very complaints as their only grievance. Upon what principle ſhall we account for this ſtrange deſertion of their deareſt intereſts?—I pretend not, for my own part, to the ſpirit of political divination, nor will the plain light of common ſenſe ſuffice to inform me, from what cauſes effects ſo miraculous have ariſen, that Engliſhmen, with the memory of a glorious revo-

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lution in their minds, ſhould tamely acquieſce in inſult added to injuſtice, and bleſs their oppreſſors, that they are ſuffered to eat the bread of infamy in peace.

It would ſeem, that familiarity had ſoftened the features of ſlavery, and that on a nearer approach, her uſual horrors had ceaſed to attend her. The Miniſtry at length proceed in their career without even the appearance of an oppoſition. Thoſe whoſe ſituation has made it their duty to inform the people of every encroachment on their liberties, act as if they had deſerted the cauſe of freedom in deſpair. The body of the nation are happy, that they hear no longer of grievances and apprehenſions—Of grievances continued with every inſulting aggravation, and apprehenſions reduced at length to a fatal certainty. Like heedleſs mariners, they glide ſecure o'er the deceitful ſurface, ignorant or regardleſs of the ruin that lurks beneath. They perſuade themſelves that all muſt be ſafe, where all is quiet, and fear no danger where they meet with no diſturbance. Villains in the mean time, eſcape the vengeance they deſerve, and their crimes ſteal into a precedent, that ſtrikes at the vitals of the conſtitution. A few years bid fair to deſtroy the work of ages; at once the nobleſt monument of the valour of our anceſtors, and the ſevereſt reproach on their degenerate deſcendants. The enemies of their country, ſee their execrable undertakings ripen beyond their hopes, and ſtartle with aſtoniſhment, that the abſurdity of the execution, has not fruſtrated their villainous deſigns.—When were the beſt concerted ſyſtems of policy ſo fortunate? When was the wiſdom of former adminiſtrations, equally ſucceſsful with the folly of the preſent? The annals of this reign will be an inexhauſtible ſubject of ridiculous panegyric. Future hiſtorians will celebrate the Georgian age, when every vice, and every folly, arrived at maturity under the auſpices of a pious prince, ſhone with more than meridian ſplendour. Future commentators, puzzled with the contradictions of his character, will be ſometimes obliged to own, that the ways of the great are inſcrutable. —Himſelf a profeſſed admirer of the liberal arts—what are we to think of the literati of his court? Let his own harangues ſpeak their excellence; their greateſt enemies can deſire no compleater inſtance. Fraught with the moſt gracious intentions in favour of his people—to whom has he delegated the power, he received for their welfare? The characters of his miniſters are too notorious to require an explanation; nor is it in the power of words, to convey an adequate idea of their qualifications. I own that his choice has proved his accurate acquaintance with human nature. He has ſhown that he thoroughly knew, what men, of all his ſubjects, were the leaſt able to govern, and the readieſt to oppreſs. We have heard much of his private virtues —whence did theſe praiſes originate? who have conveyed them to the people? Fox, Rigby, Grafton, Ellis!—Such men alone have been his intimates; ſuch alone could be acquainted with the arcana of his character; and of theſe the moſt diſtinguiſhed for every villainy, and every meanneſs, that could render human nature

nature contemptible, and detested, have been ever rewarded with the first place, in his confidence, and friendship. A distinction has long been made between the friends of the king, and men of common sense, and common honesty. Such keep aloof from the contaminating connexion. They know that the royal favour, forgotten in this reign to be an honour, has at length become a presumptive index, to something very villainous, or very despicable.

With concern I perceive a new field opened to my labours, at a time when I expected their continuance would have been unnecessary. Vainly hoping that with Englishmen it would have been sufficient, to enumerate what they have suffered, I little thought I should ever be called upon to point out what they ought to do. *Remonstrance and complaint, are not the only weapons to be employed against injustice.* To a certain degree respect is due from every individual, to the first servants of the community. But when every intention of redressing our grievances is solemnly disavowed; when the same men are continued in office, and the same measures invariably pursued, which have already brought this nation to the brink of ruin, every distinction of rank, must submit to the general safety of the state; and villainies must be most strenuously exposed, where they may be productive of the most fatal consequences. The complexion of the times demands, that every friend of freedom should take a decisive part in the service of his country. To explain the nature of our situation and obligations, and to mark out the path that reason, heaven, and the examples of our ancestors have commanded us to follow, shall in future be the task of Junius. Deaf alike to the calls of private interest, and the fear of danger, I shall take but little pains to conciliate the regard of those, from whom at once spring affluence and oppression. Determined in my future conduct, I here throw away the scabbard, and scorn the hopes of reconciliation, where by doing my duty, I offend beyond the possibility of forgiveness. I shall not fear to make the enemies of my country entirely mine, and I esteem it as the first of honours, that I am thoroughly odious to those, to whom villainy is the only recommendation.—I know the danger of offending men, who find no difficulty in pardoning the assassins themselves have hired. Yet I shall not murmur at my fate, should my fall be of service to the cause of freedom, and I expect from the gratitude of my countrymen, that I shall not perish unlamented and alone.

JUNIUS.

The substance of Lord North's Speech at the opening of the Budget, on Saturday, May 2.

SIR,

FROM this detail of the various provisions made for the service of the current year, and of the different sources

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of revenue, it appears that the whole ſupply amounts to ſix millions three hundred and twenty ſeven thouſand pounds, and that there remains in the ſinking fund a ſurplus of one million and eight hundred thouſand pounds. This being the ſtate of the caſe, the queſtion is, how this money is to be applied? And here the diminution of the public debt will naturally occur to every man, as a proper object of our attention. But what plan are we to purſue? Shall we apply it to the extinction of our oldeſt or neweſt debts, of the greateſt or leaſt ſums; or ſhall we make an equal diviſion of it among them all?—The laſt ſcheme is evidently ridiculous; becauſe the dividend would amount but to a mere trifle, and the diſtribution of it would be attended with inſurmountable difficulties. Our funds not being, like thoſe of France, compoſed of actions, or certain equal ſums, are not adapted to ſuch an operation. In order to make them more marketable, and that every one might buy or ſell as much, or as little as he pleaſed, the legiſlature planned them upon a different ſcale; and therefore we cannot eaſily avail ourſelves of ſuch a project, had we in our hands even a ſum that would operate with ſome effect. Nor will there be much equity in applying the whole ſum to the extinction of our oldeſt debts, becauſe in them ſome of the lateſt purchaſers are concerned; and it is clear that the neweſt funds have no claim of preference on any account. What then remains but to pay off with it a part of the greateſt or leaſt ſums? Upon the former it would have little or no effect, the three per cents conſolidated amounting almoſt to 40 millions: and therefore the ſame objection lies againſt this ſcheme as againſt that of dividing it equally among all the public creditors. Upon the latter it certainly would have a conſiderable effect, and indeed upon all the other ſtocks: for it would ſink the price of the other ſtocks, and raiſe the price of thoſe, to the diminution of which it might be applied. This gentlemen will ſee is an inſuperable objection againſt ever appropriating money to the extinction of any particular fund. Nor is this all the diſadvantage of beginning to pay off our leaſt debts. The principal of the national creditors will thus ſee that they are never likely to be payed; or that, if they are, the day is ſo diſtant, as almoſt to have the ſame effect as an abſolute refuſal of payment. What effect ſuch an apprehenſion would produce, I need not explain. The Committee ſees that it would prove very injurious, if not ruinous, to the great body of ſtockholders. What then, you will ſay, is the equal and impartial plan that you propoſe, in lieu of all thoſe that you have thus rejected? Having found that my former plan for reducing the national debt did not anſwer my expectations;

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tions: and that the Bank does not ſeem very deſirous of being payed the million borrowed of them upon the credit of exchequer bills, and which indeed we are liable to pay upon demand. Finding, I ſay this, and conſidering the lowneſs of the intereſt payable upon theſe bills, I propoſe that it be reſolved to be the opinion of this committee, That any perſon or perſons, bodies politic or corporate, poſſeſſed of, intereſted in, or intitled unto, any annuities, being part of the capital or joint ſtock of 3l. per cent. annuities, conſolidated by ſeveral acts of parliament of the 25th, 28th, 29th, 32d, and 33d years of the reign of George the ſecond, and ſeveral ſubſequent acts, which were made payable and transferable at the Bank of England; or of the annuities conſolidated by the acts of the 25th of George the ſecond, and 5th of George the third, called reduced annuities, alſo payable and transferrable there; or of certain 3l. per cent. annuities, which are payable and transferrable at the South Sea Houſe, called Old South Sea Annuities and new South Sea Annuities; or of 3l. per cent. annuities, payable, in reſpect of 2,100,000l. granted by an act of the 24th year of the reign of George the ſecond, for the ſervice of the year 1751; who, on or before the 15th of this inſtant May, and before the ſum ſubſcribed ſhall amount to 1,500,000l. ſhall ſubſcribe their names, or ſignify their conſent to accept, in lieu of their intereſt in any part of the ſaid principal or capital ſtock ſtanding in their names, and in full ſatisfaction and diſcharge thereof, the ſum of 90l. in money for every 100l. and in that proportion for any greater or leſſer ſum or ſums, compoſing one or more entire ſum or ſums of 100l. 50l. or 25l. of ſuch principal or capital ſtock, one moiety thereof to be paid on or before the 15th day of July next, and the other moiety on or before the 28th day of October next, together with the intereſt due on the whole capital ſtock, ſo ſubſcribed to the 5th day of July next, ſhall, for every 100l. principal or capital ſtock, as aforeſaid, ſo ſubſcribed, be intitled to receive four tickets, in a lottery, to conſiſt of 60,000 tickets, at the rate of 12l. 10s. each (and in that proportion for any greater or leſs ſum) the ſaid tickets to be paid for in manner following; that is to ſay, that every perſon or perſons, bodies politic or corporate, ſo ſubſcribing, or ſignifying his, her, or their conſent as aforeſaid, ſhall, on or before the 15th day of this inſtant May, make a depoſit of 1l. in reſpect of the money to be paid for each ticket, as a ſecurity for making the future payments, to the caſhiers of the Bank of England, on or before the times hereinafter limited; that is to ſay, for and in reſpect of every ſuch ticket, 2l. on or before the 19th day of June next; 3l. on or before

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the 22d of July next; 3l. on or before the 21ſt of Auguſt next; and 3l. 10s. on or before the 2d day of October next: That, upon ſuch payments being completed, tickets ſhall be delivered, as ſoon as the ſame can be prepared, to the perſons intitled thereto: That the ſum of 600,000l. ſhall be diſtributed into prizes, for the benefit of the proprietors of the fortunate tickets in the ſaid lottery, which prizes ſhall be paid at the Bank of England, in money, to ſuch proprietors, upon demand, on the firſt day of March 1773, or as ſoon after as certificates can be prepared, without any deduction whatſoever; and that all the monies to be received by the ſaid caſhiers ſhall be paid into the receipt of his Majeſty's exchequer, to be applied, from time to time, to ſuch ſervices as ſhall then have been voted by this houſe in this ſeſſion of parliament; and every perſon or perſons, bodies politic or corporate, ſo poſſeſſed of, intereſted in, or intitled to, any of the ſaid annuities, and ſo ſubſcribing as aforeſaid, ſhall have a certificate from the ſaid caſhiers of the governor and company of the Bank of England, of the amount of the principal or capital ſtock by them reſpectively ſubſcribed, and of all ſuch ſum or ſums of money as he, ſhe, or they, ſhall be entitled to receive, in conſideration of ſuch their ſubſcription, and in lieu and diſcharge of his, her, or their capital ſtock, ſo ſubſcribed; and the holders or bearers of ſuch certificates ſhall be paid, at the Bank of England, the ſeveral ſums of money expreſſed in ſuch certificates, together with intereſt after the rate of 3l. per cent. per ann. on the capital ſtock ſo ſubſcribed, in the manner, and at the times herein before deſcribed: That, upon payment of ſuch ſum or ſums of money, with ſuch intereſt, the whole of the principal or capital ſtock ſo ſubſcribed ſhall ſtand diſcharged, and be annihilated; and the annuity payable in reſpect thereof, ſhall, from the ſaid 5th day of July, 1772, ceaſe and be extinguiſhed.*

The ſcheme being thus laid open, I think it incumbent upon myſelf to ſhew it is the moſt equitable and beneficial, that in our preſent circumſtances can be invented, both to the ſtockholder and to the public. That it is the moſt equitable to the ſtockholder is manifeſt; becauſe none is indulged with any preference; the matter being left wholly to his own option, and to the operation of cauſes, which admit of little calculation

* The books were opened on Monday morning at the Bank at eleven o'clock. The whole was ſubſcribed before one.—The crowd was ſo great, that many people were obliged to mount up a ladder to get into the room.

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culation or human controul. That it is more beneficial to the ſtockholder, will appear from conſidering that it is intended not for a ſingle effort, but as the firſt of continued exertions of the ſame kind and extent to throw off the burden of our debts, and to refund to the proprietors of ſtock their capital. The public debts being thus put into a regular courſe of payment, the ſtocks will naturally riſe, and gradually prove more and more advantageous to the proprietor, till they at laſt riſe perhaps to par; for there was a time when they were at par. Look back twenty-five years, and you will find that it is only ſince that period that they ſold for leſs than their original value. I am ſorry that they are now ſo low, and that it is not in our power to apply a more effectual remedy. But, though we cannot effect ſo great a change as Mr. Pelham, yet let us attempt what our finances will bear. It is but what we owe to our country and to ourſelves. At preſent there is the faireſt proſpect of the continuance of peace that I have known in my time. Suppoſe it then to continue for ten years: a ſuppoſition by no means extravagant. Peace has already ſubſiſted for nine years; and, if we except the flurry of 1715, and the quarrel with Spain, which hardly deſerve to be conſidered as wars, we ſhall find that peace laſted ſince the memory of man, twenty-ſeven years. Hence the hypotheſis of a ten years peace is by no means chimerical. The pacific diſpoſitions of the French King, who regulates the motions of our great rival and antagoniſt, are well known. What then hinders us from cheriſhing this hope? I know I ſhall be laughed at for forming any calculation upon ſo precarious an event. Let it, however, be remembered that I aſſert nothing as a certainty. I might as well pretend to command the tides and winds as the paſſions of men. I only aſſert that at preſent there is the faireſt proſpect of peace that I ever knew. Let us then ſuppoſe that peace will laſt ten years more. What will be the conſequence to this nation, if we continue to pay off annually one million and a half, or the ſame ſum that this lottery, and twelve hundred and fifty thouſand pounds taken now out of the ſinking fund, will produce? Upon calculation I find, that ſeventeen millions will be in that time diſcharged. Nor will this be the only advantage. The diminution of the annual intereſt payable upon the national debt ariſing from this manœuvre in the finances will raiſe the income in the ſinking fund ſo as, in conjunction with the ordinary taxes upon land, malt, and ſo on, to make our annual revenue amount to ſeven millions. Now ſuppoſe us to be at the end of this period dragged into a war. What ſum is it likely to coſt us? Not ſuch enormous ſums as when we ſtood ſingle againſt France and Spain, and

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at the ſame time protected two ſovereigns. If we embark no farther in expence than we did in the wars preceding the laſt, our yearly diſburſements will, as I find by computation, be at an average about ſeven millions. Thus then ſhall we be in the ſpace of ten years, in a condition, without any conditional taxes, to undertake ſuch wars as preceeded the laſt. And let it be remembered that, though our ſucceſſes were not ſo brilliant, though we did not gain ſo many glorious victories, nor made ſuch extenſive conqueſts, nor concluded ſuch an advantageous peace, yet we ſat down without any loſs. What prevents us from adopting a ſimilar plan of policy and œconomy upon a future emergency? We do not ſtand in need of any conqueſts. Our dominions are at leaſt as extenſive as we could wiſh; and their improvement, not their extenſion, ſhould be our chief aim. Thus we ſee, what I believe no body expected at the concluſion of the laſt war, ſome, tho' no very certain, proſpect of gradually reducing the national debt, a ſtep which will neceſſarily raiſe our credit and authority in Europe, and terrify our enemies into pacifick meaſures. For it is not only an armed force, not only great armies and great naval forces that will deter our rivals from violence, but the capacity of raiſing theſe bulwarks when occaſion calls. And the latter method is ſurely preferable to the former, which generally tempts one party or other to commit acts of hoſtility. Such is the plan of defence which ought in my opinion to be adopted by a great miniſter, who has not ſo much to dread from foreign enemies as from domeſtic foes, from the violence of faction and the clamour of diſcontent. If he has not the firmneſs and ſteadineſs of mind to deſpiſe ſuch impotent efforts, if he cannot forego the empty applauſe of the preſent moment for the ſolid praiſe that will be beſtowed upon him, when prejudice wears off, and calm reflection ſucceeds to paſſion, he has no claim to the title of a great miniſter. Thus have I proved this plan to be the moſt juſt to the ſtockholder, and the moſt beneficial to the ſtockholder and the publick. Such objections as occur to me, before they are made, I will endeavour to remove; ſuch as do not occur to me I muſt neceſſarily poſtpone till I hear them. It will be aſked why this lottery is made more advantageous to ſubſcribers than the laſt, why they are allowed a profit that will in all probability amount to four or five or ſix per cent? I anſwer that the profit upon the tickets is very caſual and uncertain; but that this lottery was framed upon a liberal plan, that being the firſt trial of a great ſcheme it might come into the world with ſome eclat and with a name that might contribute to its ſucceſs. I ſhall therefore not be diſpleaſed if the

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the ſubſcribers gain four or five per cent. or even more. The difficulty of diſpoſing of tickets when the profits are ſmall, is known to every man converſant in this buſineſs. For the ſame reaſon the ſums to be ſubſcribed may amount to ten thouſand pounds, that the great men in the city may think it worth their while to be concerned. Hence, though the ſubſcription is open, and as equal as poſſible, there will be left ſome room for imputation. Some gentlemen may have more gracious aſpects, may be more alert, or even have more bodily ſtrength than others. Any or all of theſe cauſes may operate to their advantage; and if they happen to be the friends of the miniſtry, ſuſpicions will ariſe. People will inſinuate that they were ſecretly favoured. Such miſrepreſentations all miniſtries are liable to; and the preſent ought not to repine that they are not exempted from the common lot of humanity. Whatever public precautions for making the ſubſcription open could be thought of have been taken? Matters have been ſo ordered that the books may be opened on Monday, and there will be but one day to buy tickets on ſpeculation.

Subſtance of Mr. Dowdeſwell's *Speech.*

Mr. Speaker,

I am not diſpleaſed to find that the noble Lord has dropt the plan of finance, which he adopted ſome years ago; becauſe I was originally convinced from the reaſon and nature of things, and I am now aſſured by experience, that it was not the moſt eligible. The reduction of ſo ſmall a ſum, from four to three per cent. was but a pitiful experiment upon a commodity, which ſhould not have been touched but in the groſs; becauſe the purchaſe of it thus in the detail warned the public creditors to keep up the price, ſo that the miniſter's ſkill in the finances raiſed the value of the four per cents, which it is the buſineſs of government to buy, and ſunk the value of the three per cents, which it ought to ſell. This doctrine was ſufficiently explained to the miniſter at the proper time, but I do not blame him for want of ſagacity in rejecting it as I now praiſe him for not obſtinately perſiſting in this as in other ruinous meaſures, in order to evince to the admiring nation the firmneſs and ſteadineſs of his character.

But, though I thus do juſtice to him in one particular, let it not be imagined that I approve of his preſent plan. In my opinion, the payment of the million due upon demand to the Bank, would have been the proper application of this year's ſurplus. For the payment of the three per cents, you may take

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take your own time; but, when called upon by the Bank, you muſt find the money, except you chuſe to violate parliamentary faith. What opportunity then ſo proper as the preſent, when money lays, in ſome meaſure, idle in your hands? Upon hearing that the Bank had ceaſed to diſcount bills, I concluded that this ſtep would be taken; becauſe I could ſee no grounds for ſo extraordinary a meaſure in that corporation, but a want of money, or capital. Knowing, as I do, the vaſt utility of credit in trade, knowing that the Bank itſelf was inſtituted upon this principle, and that it gains conſiderably by the diſcount of bills, I had no other way but this ſuppoſition to account for the phenomenon. Was it not then natural in me to expect that, though the Bank ſhould act contrary to the intereſts of trade, the miniſter, that watchful Palinurus who ſteers the helm, would have adopted this ſcheme, in order to force them to act as the public good ſeemed to require? That bills upon houſes, whoſe credit falls not much ſhort of that of the Bank itſelf, ſeemed to me quite abſurd, almoſt as abſurd as if theſe houſes had refuſed Bank bills. Certainly they may do it upon the ſame grounds, and with almoſt as good a grace. See then what diſtreſs this would occaſion in a country, which has accommodated itſelf to the moſt extenſive credit! Was not this an object more worthy of the noble Lord's attention than this drop which he has taken from the ocean of the public debts? Nor does he, as he imagines, pay off theſe fourteen hundred thouſand pounds of our debts. He only purchaſes ſo much of the ſtockholders, if they chuſe to accept his bargain. Payment ſuppoſes a tender of the full ſum due, of a hundred for a hundred. Here we have a kind of compromiſe with the public creditors; but not ſuch a compromiſe as the ſtate of the funds and of the nation required. In the firſt place it is unequal to the ſtockholders; becauſe the proprietors of different ſtocks, whoſe values at market now differ by two per cent. are to have the ſame ſum for every hundred. Ought not the miniſter to have attended to this circumſtance, and to have hit upon ſome expedient, that would have put all parties upon a par?

In the ſecond place he has been as careleſs of the intereſt of the nation as of that of the ſtockholders. By this lottery the public gains upon 150,000l. whereas in former lotteries, when there was not ſo fair a proſpect of peace, if we may believe the miniſter, it gained two hundred thouſand pounds. Is this the lucrative and beneficial ſcheme that it is repreſented? Had he in theſe peaceful, theſe halcyon days, made a more profitable bargain than was made in any former period,

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riod, he would have done but his duty. But perhaps, notwithſtanding the flattering appearance of an open ſubſcription, there are ſome friends, ſome favourites to be ſerved. It is worthy of obſervation that the terms of the ſubſcription are ſuch as will put it in the power of 150 men, or leſs, to engroſs the whole. I ſay leſs; for may not the ſame individual ſubſcribe in the name of another perſon? Such colluſion is not, I believe, eaſily prevented in theſe tranſactions; and particularly in this, where the profuſion of the Miniſter throws out ſo tempting a bait to avarice. Were not the noble Lord ſenſible that this new plan of finance would not bear ſcrutiny, would he have ſupported it upon ſo ſandy a foundation as the poſſible continuance of a ten years peace? The French King is of a pacifick diſpoſition, and thereby we ſhall have a ten years peace.——Has the noble Lord then enſured his life for ten years? Who will anſwer for ſo uncertain an event? Suppoſe he ſhould live that time, yet is not peace abſolutely certain. Pacifick as he is, he was lately very near being dragged into a war by his Miniſter, and the fact is, that he has been in the ſpace of leſs than thirty years engaged in two bloody and expenſive wars. May not the King of Spain, who is of a more active and warlike frame of mind, and who entertains an inveterate hatred againſt this nation, ſtrike the blow, and will the family compact force him to follow the other's example? Let it even be granted that theſe apprehenſions are groundleſs, yet it will not follow that at the end of ten years we ſhall have ſaved ſeventeen millions, and added ſeven hundred thouſand pounds a year to our revenues. For I obſerve, that it is the maxim of adminiſtration to encreaſe our expence according to the encreaſe of our income. Will the Miniſter in the courſe of ten years, talk of no new eſtabliſhment, no payment of civil liſt arrears? I do not aſſert that this will be the caſe; I only ſuggeſt the poſſibility of it. Beſides, who will take upon him to ſay that the revenue may not decreaſe? According to the noble Lord, it has actually decreaſed this year; or, at leaſt the money expected has not come into the treaſury. But where is the wonder, when ſuch little care is taken in the appointment of proper collectors? Sir W. Yonge, who was, if he is not now, a Lord of the Admiralty, is a proprietor, purchaſer, and commiſſioner in the newly ceded iſlands. I do not mean to impeach the character of this gentleman; but I think it is not in human nature to do juſtice in ſo many capacities. One comes with his bag of gold, another comes with his bag of diamonds, and fleſh and blood cannot withſtand them. The Miniſter, therefore, needs not be ſurprized, that the expected ſums have not come into the treaſury. If the reſt of the commiſſioners be on the ſame footing, the failure was unavoidable.

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But why would this careleſsneſs in adminiſtration give any concern to us, who have allowed them to grant, without any examination, ſuch large ſums for American extraordinaries. In that department there is no check, no controul upon adminiſtration, and thoſe whom they may chuſe to appoint. We have never ſeen any eſtimate of the probable expence; not a ſcrip of paper has been laid before us, in order to enable us to form ſome idea of the ſums proper to be granted for that ſervice. How are we to account for the embarraſſed ſtate in which theſe matters are left? Is it uncharitable to ſuſpect that this confuſion is intentional, that it may be the more difficult for parliament to detect any malverſation, any extravagance or peculation?

The ſame ſpecies of reaſoning is applicable to the navy, of whoſe ſtate we have heard ſuch wonders. Laſt year you voted forty thouſand ſeamen. Thirty thouſand only were raiſed. But has the money intended for their maintenance been hoarded up, and brought to the account of ſavings? By no means, Sir, the whole has been ſpent. The groſs ſum of five hundred thouſand pounds, which you voted for a particular purpoſe, has not been applied according to your expreſs orders, but been diverted to another ſervice. Is this diſcretionary power in the admiralty to be tolerated? Is it to be allowed to expend ſuch an immenſe ſum as two millions, for that is the ſum voted laſt year for the ſea ſervice, as it pleaſes; and then to ſend us in only a general account of its diſburſement, without producing a ſingle ſcrip of paper, a ſingle voucher, to ſhow how, or when, or where it was laid out? I am amazed that the miniſtry ſhould have attempted to ſlur over ſo capital a point. Single as I am in this opinion, and, late as it is in the ſeſſion, I cannot help entering my proteſt againſt this method of diſpoſing of the public money. In another ſeſſion I ſhall certainly move for an enquiry into this dangerous practice, and try a diviſion upon an œconomical queſtion. If Lord Sandwich is to have the arbitrary diſpoſal of ſuch a prodigious ſum, well may he boaſt of having put the fleet in excellent condition. But no thanks are due to him, but to your bounty. It has been lately the cuſtom to extol Lord Sandwich, and to depreciate Sir E. Hawke and Admiral Saunders. But when had they five hundred thouſand pounds extraordinary to ſport with? Want of money, not want of ſkill or vigilance, kept the fleet, while they directed the Admiralty, in ſo weak a ſtate. The noble Lord has given us a picture of a great Miniſter. Let me be indulged with liberty to throw out my ideas on the ſame ſubject. In my opinion a great miniſter does not ſhow his firmneſs ſo much in deſpiſing the clamours

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mours of his fellow-citizens, as the threats of his country's enemies. A great Miniſter will not ſuffer his Majeſty's dominions to be ſeized, nor the Britiſh flag to be inſulted with impunity. He will not ſee the nation put by an enemy to an enormous expence in warlike preparations, and require no indemnification. He will have a head to plan, and a heart to execute, meaſures of his own, and not be the mere inſtrument of another. He will not one day give orders for a naval armament, and in five days, a ſpace of time too ſhort for receiving a more favourable anſwer from the continent, countermand thoſe orders. The fleet I allude to was intended, as is evident from its being to rendezvous in the Downs, againſt ſome northern power. Could any freſh diſpatches have arrived from any Northern Court in five days? What then was the object of this fleet? Can any one tell us? After ſuch a recent and unaccountable fluctuation of counſels, does not the Miniſter talk with a peculiar grace of manlineſs, ſteadineſs, and firmneſs, and other Roman virtues?

Mr. Jenkinſon ſaid that the difference of one or two percent. in the price of ſome of the ſtocks, was a matter of little conſequence; that to-morrow there might be no difference, as the price of ſtock was ſo very fluctuating; that at any rate it was impoſſible to invent a ſcheme that would be entirely unexceptionable and equal to all parties; that an approximation to an equality was all that could be expected; that Mr. Dowdeſwell was miſtaken in ſuppoſing that government had gained two hundred thouſand pounds by lotteries of the ſame kind; that it had gained only 180; that the magnitude of the preſent plan, and the advantages ariſing from its ſucceſs, called for a little liberality in the public; that when he heard of the Bank's forbearing to diſcount bills, he entertained the ſame opinion as Mr. Dowdeſwell; that the noble Lord being of the ſame opinion, had aſked the Bank, whether they wanted to have the million in queſtion payed; that they declined the offer; that he thence concluded the Bank had not diſcontinued the diſcounting of bills for want of caſh: that he believed their motive in this meaſure was to prevent the exportation of our coin by Jews, who by this iniquitous traffick made a ſhilling upon every guinea, and received bills of exchange in return; that, as this was the real ſtate of the caſe, the ſcheme now offered by the noble Lord was the only ſenſible way of ſerving the public that remained; that as to the American extraordinaries, orders had been given for ſending in ſuch papers as would enable the treaſury to form an eſtimate; that from ſome cauſe or other, which he did not know, theſe papers were not yet complete; that he hoped they would

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in another year be complete, and that then the houſe ſhould have the ſatisfaction required: that, with reſpect to what had been ſaid of the navy, he would be ſilent, and allow thoſe, whoſe province it was, to explain that matter; that the favours which he had received from the Miniſter left his teſtimony to his integrity and uprightneſs but little weight, but that, as far as his word would go, he muſt upon the principles of gratitude and juſtice, free him from all imputations of ſelfiſhneſs or negligence in the management of publick affairs.

Mr. Hervey ſaid, that the money granted by parliament was properly laid out by the Admiralty; that he meant to have that day produced to the Houſe the papers which gave an account of its expenditure; but that in the multiplicity of other papers they had been miſlaid; but that he would endeavour to bring them on the following day; that he knew of no orders given to fit out a hoſtile armament; that, for ought he knew, the fleet in queſtion was no more than what he hoped we ſhould for the future ſee every year, a fleet ordered to rendezvous for the purpoſe of going through the naval evolutions and of forcing every man concerned to keep our ſhips in good repair, and of proving to the nation, and to all the world, that our grand and natural bulwark is in the beſt ſtate of defence.

Mr. Cornewall ſaid, that he entirely agreed with Mr. Dowdeſwell in what he had ſaid with regard to the navy; that, though ſo nearly connected with the ſea ſervice, he yet could not help entering his proteſt againſt allowing the Admiralty a diſcretionary power of applying ſuch an immenſe ſum of money in what manner they pleaſed; that he congratulated the noble Lord upon his relinquiſhing the plan of cloſe lotteries; that the only liſt of ſubſcribers ever ſhown to the Houſe was the moſt diſgraceful to the Miniſter that could be imagined; and that he hoped for the ſake of his own character the noble Lord would never more plan a cloſe lottery; that while ſuch tranſactions ſtared parliament in the face, it was in vain that his friends and dependents vouched for his diſintereſtedneſs and generoſity.

Lord North replied, that in his opinion Mr. Jenkinſon had ſatisfactorily anſwered Mr. Dowdeſwell's objections to the lottery; that however ſevere that honourable gentleman's reflections might be upon him, he would not repine while they tended to the public good; that, as to the money ariſing from the ſale of lands in the conquered iſlands, he could not explain the reaſon of its not reaching to the Treaſury, but the fact was, that it had not yet reached it; that he underſtood

ſtood the gentleman who ſuperintended that buſineſs was on his paſſage home, and that he doubted not he would ſatisfactorily explain the myſtery; that, with reſpect to Sir W. Yonge's poſſeſſing ſo many places, the preſent Miniſters were not peculiarly blameable; that no complaint had been preferred againſt him; that he acted, and with ſatisfaction, in the ſame capacity, during two former adminiſtrations, in one of which Mr. Dowdeſwell bore a capital part; that the honourable gentleman had his leave to repreſent him as a bull or bear, or lame duck in the Alley, if he pleaſed; that there were good grounds for ordering out a fleet, and good grounds for countermanding it; that every thing was obtained, which could be obtained by a fleet; that, except he was commanded by the Houſe, he could not think it proper to diſcloſe ſo delicate an affair; that time would diſcover it, and fully juſtify the conduct of adminiſtration; that Mr. Dowdeſwell accuſed him unreaſonably of having no plan of his own, as it was enough if he approved of another's ſcheme to make him adopt it; that to come into the houſe, and ſay, "This is my plan, I framed it, and you muſt embrace it," would be ſuch arrogance and preſumption as the Commons of Great-Britain would never endure; that he never meant to apply to himſelf the character of a great Miniſter which he had given; that it flowed naturally from the reſt of his diſcourſe; that any man in the Houſe, and particularly Mr. Dowdeſwell, would execute better than himſelf a truſt, which, however, he endeavoured to diſcharge faithfully, and ably as far as his talents would go.

The Subſtance of Mr. Burke's *Speech.*

Sir Charles Whitworth, I do not riſe ſo much to diſcuſs the new plan of finance propoſed by the miniſter as to offer my ſentiments upon certain unconſtitutional doctrines, which he has advanced. The right honourable gentleman, who ſpoke ſecond in the debate, begs to know the reaſon of the contradictory orders lately iſſued from the Admiralty; for, notwithſtanding the pretended ignorance of an honourable gentleman, who ſits at that board, ſuch orders, I find, were actually iſſued. The noble Lord does not deny that we have a right to enquire into this, as well as into all other matters, that affect the commonwealth. But how would he have us inſtitute this inquiry? What plan does he chalk out to enable us to come at the proper data, at the facts, upon which our deciſion muſt depend? Why he refers us to time. Time is the ſole oracle to whom we muſt apply for the ſolution of all our doubts and difficulties. From the miniſter no information

mation is to be expected. These secrets, as too sacred to be trusted to our profane keeping, he preserves locked up in his own breast. How long is it since we became thus unworthy of having whatever affected the honour and dignity of the nation communicated to us? There was a time when ministers thought themselves bound to account to this assembly for their conduct; but it is now no more. If we call upon those who are in responsible offices for any necessary information, they desire us to go and consult time. The ancient parliamentary mode was to apply to the Treasury, to the Admiralty, or directly to the Sovereign; but now we must turn our eyes to time. A very useful invention this to administration; for it will render any enquiry into their conduct very difficult, if not impossible.—Sir, I am not surprised to find the house so very disorderly; for the matter under consideration is of so very little consequence, that it does not deserve their attention. The publick entertain the same opinion; for you see the galleries are like to break down with the weight of strangers, as you are pleased to call the people of England. How well this circumstance proves the existence of that sympathy, which ought ever to subsist between the electors and the elected! But where is the wonder? The discussion of a plan of finance new in its kind, and extensive in its effects: a plan, upon which the minister means to build the salvation of this country, is to them an object neither of curiosity nor of interest. They treat it, as if it affected their constituents as little as themselves. But why do I talk of constituents? They have been long out of the question.—Sir, I protest, this a mere parliamentary farce, and you act a great part in this farce. I see I shall be called to order. Be it so. I will do my duty, and speak my sentiments without reserve, I repeat it, this is but a grand parliamentary farce. The minister comes down in state, attended with his creatures of all denominations, beasts clean and unclean; for the Treasury, as it has been managed of late, has been worse than Noah's ark. With such, however, as they are, he comes down, opens his budget, and edifies us all with his speech. Well; he sits down. What is the consequence? One half of the house goes away. A gentleman on the opposite side gets up and harangues on the state of the nation; and, in order to keep matters even, another half retires at the close of his speech. A third gentleman follows their example, and rids the house of another half—*(loud laugh through the house)*—Sir, I take the blunder to myself, and express my satisfaction at having said any thing that can put the house in good humour. Whether the house be emptied by

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one half, two halves, or three halves, the public is equally deſerted. While gentlemen will not only not attend their duty in parliament, but diſturb and confound thoſe who would preſerve at leaſt ſome ſhow of conſcience, how can I help calling this a parliamentary farce? Sir, it is an egregious farce, and the nation ſees and feels it. But what care they? They are firm and ſteady, and deſpiſe the clamours of faction. Sir, when did you hear of an odious miniſtry that did not call the clamours of the people the clamours of faction? I am not ſurpriſed at their firmneſs and ſteadineſs; I mean their firmneſs and ſteadineſs in keeping their places. Who that is deſtitute of conſcience and that laughs at the murmurs of his fellow-ſubjects, would not in this houſe, ſurrounded by a complaiſant majority within doors, and defended by forty thouſand men without doors; who, I ſay, thus diſpoſed, would not ſhow as much firmneſs and ſteadineſs as our intrepid miniſters? But have they diſcovered the ſame firmneſs in negociating with our enemies? that is the queſtion. There is not a liſping infant that will not anſwer in the negative.

Having ſaid thus much, let me join my honourable friend on the floor in proteſting againſt this new and dangerous mode, which has been lately adopted of diverting ſums appropriated by parliament to particular purpoſes from the ſpecified ſervices. If this practice be allowed, I do not ſee for what purpoſe we aſſemble here, and aſſume the name of the people's repreſentatives. Give but a diſcretionary power of this ſort to any man, and he will render it impoſſible for you ever to know the detail of every ſervice, or to detect him in any fraud or peculation. Far be it from me to charge Lord Sandwich with any thing of this nature. No, Sir; ſuch an attempt would be vain: The public knows him to be a man of pure hands and hallowed heart; in ſhort, an Iſraelite indeed. An attack therefore upon his character would be as ridiculous as impotent; it would be only biting a file.

And now, Sir, indulge me with leave to ſay a few words upon the ſubject of military eſtabliſhments.

The practice of keeping on foot large ſtanding armies in time of peace, though not abſolutely modern, (for we read of ſuch an inſtitution in ancient times) is new to the extent it is now carried in Europe. Charles the V. was perhaps the firſt great Monarch that ſet the example. Lewis the XIV. trod in his ſteps. But what was the conſequence of their mighty efforts? In time of peace they exhauſted that ſtrength which they ſhould have reſerved for war. Thoſe young and vigorous men, whom they kept in idleneſs, ſhould have by their in-

duſtry and labour added to the wealth and population of the ſtate. Hence, when they entered upon real action, they found themſelves deſtitute of the ſinews of war, of wealth, of proviſions and money, and of recruits of men, without which veterans ſoon moulder away, and convinced them of the ſhort-ſightedneſs of their politicks; while their adverſaries, though a little embarraſſed at firſt, improved daily, and went on from ſtrength to ſtrength, till at laſt they proved ſuperior. It is therefore with regret that I ſee our military and naval eſtabliſhments conſtantly upon the increaſe. At the end of every war it gains ſomething. Eight thouſand men conſtituted our ſtanding army at the cloſe of King William's wars. It gradually roſe from that number to ſixteen thouſand; and now it ſtands at five and twenty thouſand. The Iriſh army was augmented in the ſame manner from twelve thouſand nominally to fifteen thouſand; and yet I will venture to ſay that Ireland is not better protected nor ſecured in any ſhape than it was before the augmentation. Upon the ſame plan our ſeamen are augmented. In ſhort, all our expences of every kind are conſtantly riſing not only according to the prices of things (a misfortune which will neceſſarily attend the increaſe of ſpecie) but alſo according to the lapſe of time. Every year adds ſomething new to our diſburſements. What will be the conſequence of this profuſion? In vain do our revenues encreaſe—a ſuppoſition indeed which does not ſeem juſtified by this year's accounts, if we thus eat our corn in the blade, and ſpend our ſtrength upon the empty air: if we thus draw our ſwords before the day of battle comes, and exhauſt upon the parade what ſhould be reſerved for the field, we ſhall certainly find ourſelves in the ſituation of Lewis the XIV. who with an army of three hundred thouſand veterans, found himſelf at laſt unable to cope with this nation, who had entered the field with leſs than ten thouſand men. It muſt be confeſſed, that at firſt we are in ſome confuſion, or as the noble Lord elegantly calls it, in a flurry. But we ſoon recover. We are naturally warlike, and in a ſhort time learn tacticks. Poſſeſſed of wealth, poſſeſſed of people, poſſeſſed in ſhort of all the ſinews of war, we every day gain upon the enemy, and his ſpirits ſink as ours riſe. This being evidently the ſtate of the caſe, what can we mean by imitating thoſe two ſtates of Germany, who are gradually waſting one another's ſtrength by an armed peace, and who are every day ruining their ſubjects for the ſhow of an army, which in time will moulder away, and leave a dreadful waſte behind? France has diſcovered the bad policy of keeping up a large army, and has therefore begun a

plan

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plan of reduction. While she is retrenching, ought we to add? Let us return to our old policy, by which we grew great and glorious, and trust to our own native bravery, and the strength of our insular situation for our defence. Formerly our militia was nothing. Now it is added to our annual expence. When it was established, ought not the regulars to have been proportionably reduced? But the Minister will say what could be done? When France sent an armament to any part of the world, were we not forced to send out an armament of observation? If they sent a fleet to Mauritius, did not prudence require that we should send out a fleet to watch their motions? By no means. If you follow this plan, you teach France and Spain the true method of ruining you. The most prudential method of proceeding in those cases is this.—You have ambassadors at foreign courts, and if they be vigilant, they may give you intelligence of all the motions of your rivals. Without their knowledge they can send out neither fleet nor army. As soon therefore as you learn that they have taken any step that indicates hostility, demand an explanation, a categorical answer with respect to the destination of the armament; and let them know that they shall answer in Europe for any hostile measure they take in Asia or America; that you will not be pursuing them from place to place, but strike a decisive blow where it is most convenient; that instead of keeping a fleet in the East or West Indies, you will seize their merchant-men, burn their harbours, and destroy their men of war. This is the true way of dealing with France or Spain. The law of nations has established it as a maxim, and to the observance of it at the beginning of the last war the king of Prussia owes that great and glorious figure which he now cuts in Europe. Would it be unworthy of our Ministry to imitate so great a politician?

Mr. Burke also observed, that he was very well satisfied that the practice, as now managed, was not only new, but unconstitutional; that, till now, it was never heard that the Admiralty, instead of giving a minute detail of the application of so large a sum as five hundred thousand pounds, laid out according to its own discretion, told the house in general that it was expended upon the navy, that some regulation in so essential a point, was, for the future, absolutely necessary.

Constantine Phipps said, that the merit of Lord Sandwich consisted in having insisted upon being the sole director of the navy, and refusing to undertake that department, if he was not allowed more ample powers than his predecessors; in short, if he was not to be his own master, but the deputy

of another man. If this ſtate of the caſe was true, his conduct, he ſaid, was certainly meritorious.

Mr. T. Townſhend ſaid, that many members had miſunderſtood what was ſaid by Mr. Dowdeſwell, with regard to the navy; that he did not accuſe any man of malverſation, but blamed the Houſe for not inſiſting upon a minute and circumſtantial detail of the expenditure of the money laid out upon the navy; that he was convinced the troops we had ſtationed in the Weſt Indies anſwered no good purpoſe; that the Weſt India iſlands muſt be protected by our ſhipping, not by our ſoldiery; that European ſoldiers found that country only a grave; that by accident he had ſeen a regiment returned from their two years ſervice in that part of the world, and that they were reduced to ſeventy men; that their ſucceſſors in the ſame period of time would be equally reduced; that for theſe reaſons nothing was more impolitic than to keep up ſo large an army, which in caſe of neceſſity muſt prove ineffectual, as it was merely nominal; as it ſwallowed up as much pay as if it was complete, and was incapable of any real ſervice.

Lord North ſaid that he agreed with Mr. Burke in the general principles which he laid down, and that no man laid them down in a more agreeable and convincing manner; but that general principles were not always applicable to particular caſes; that the armament in the Eaſt Indies was ſent out as a fleet of obſervation to prevent any deſigns of the French in that quarter; that France had a conſiderable force ſtationed at the Mauritius; that that force was obviouſly intended againſt our dominions in India; that ſelf preſervation called for preventive meaſures on our ſides; that the Miniſtry would have been blamed, and juſtly blamed, if they had not taken this ſtep; that, when our rival withdrew her forces, ours would naturally follow; that, in conſequence, our navy would be leſſened by ſix ſhips; that, when this event actually took place, he was of opinion that we ſhould return to our old eſtabliſhment of ſixteen thouſand men; that he would join iſſue with any man in making any reduction that was conſiſtent with the general ſafety; that the reflections caſt upon the diſburſement of the money appropriated to the ſervice of the navy, were ill founded; that the Admiralty was not, by the grant, confined to ſuch narrow limits as were uſual in other caſes; that, however, thoſe who ſat at that board were anſwerable for any miſapplication of the money allotted for the ſea-ſervice; that he was perſuaded it had been on this occaſion properly applied; and that it was at any time in the power of the Houſe to be convinced of it.

To

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To the PRINTER.

SIR,

I Attended when the Budget was opened at a certain place. This is the important day of every ſeſſion, when the Miniſter attempts to give to parliament a ſtate of the national accounts, and propoſes his plan for applying the ſurplus of the Sinking Fund. The Miniſter upon the preſent occaſion ſtated the accounts, I doubt not with ſufficient accuracy; but I am ſorry to ſay that the reſult of the whole affords a very melancholy proſpect to this country.

I remember to have been preſent three years ago, when the ſame Miniſter opened his budget; at that time there was a ſurplus of *one million and a half* out of the ſinking fund applicable to the payment of our enormous debt, and he explained to us in a clear manner how that ſurplus would increaſe, ſo as to afford two millions at leaſt yearly, to be applied to the ſame purpoſe. The preparations for a war with Spain prevented our paying off any debt laſt year, the whole ſurplus of the ſinking fund, together with one ſhilling in the pound additional land-tax, having been applied for the ſervices of the year, and now when we come back to a year of peace, in place of *one million and a half* out of the ſinking fund to be applied to our debt, we find that we cannot afford more than about 900,000l. It is true that the total ſum applicable to the payment of debt this year, as ſtated by the Miniſter, amounts to 1,200,000l. but in this is included, 1ſt, a ſaving of near 200,000l. upon the ſum voted laſt year, on the proſpect of war, for the army: and 2dly, a ſurplus out of the ſinking fund of the preceding year, ariſing from this, that in ſtating the ways and means laſt year, the ſinking fund was taken for leſs than it was expected to yield, and has actually yielded. Theſe two ſums, with ſome other temporary ſavings, make up the 1,200,000l. applicable to the payment of debts this year; and by the help of a lottery, and the paying off the 3 per cent. at 90 per cent. inſtead of 100 per cent. it has happened that the diminution to be made of the debt this year will amount to a *million and a half*.

Upon the ſtate of the accounts the Miniſter told us, that by purſuing the ſame plan, and ſuppoſing a ten years peace, we ſhould be able to pay off about ſeventeen millions, two hundred thouſand pounds, during the next ten years; and that our revenue by that time, excluſive of the intereſt of our debts, would amount to about ſix millions yearly, becauſe it would be increaſed by means of the intereſt of the debt paid off, and by

the reduction which about that time will of itself take place upon the interest of the 4 per cents. and 3 1-half per cents.—Out of these six millions the expences of the year for the navy, army, ordinance, militia, and other services, being deducted, there would remain a considerable surplus for annually extinguishing our debts, or in case of a war, for answering our extraordinary expences without any new tax; for he told us, and very truly, that during the war which begun in 1739, and ended in 1749, the total supplies, at an average, did not exceed six millions per ann.

Such was the flattering account given of our situation by the Minister on this annual day of ministerial triumph; but however pleasing it may be to view matters in a flattering light, I cannot however permit the public opinion to be misled with regard to our real situation; nor the minds of men to be so dazzled and imposed upon, as to make them overlook the blow which has been lately struck to the vitals of this country, and to the national credit, by this Minister and his associates. When I say this, I am not his enemy, nor do I under-rate that degree of merit which he certainly possesses. I do allow that he is a man of fair character, possessed of considerable talents; but of more plausibility, and incapable, I dare say, of any thing glaringly dishonourable, or grosly interested: that he suffers himself to be made use of as a tool, is but too apparent; and I absolutely deny that he possesses the talents of a great Minister, which comprehend, in my mind, a great deal more than a readiness at the snip-snap and dull repartee of the House of Commons. I would ask if the line he has taken in the great affairs of the East India Company bespeak the talents of a man even of middling capacity? and what shall I say of his total ignorance, or total inattention to the interests of trade, and his aversion to undertake any thing however necessary for the public, which is likely to require either trouble or exertion? But without entering into minute particulars, I must beg leave to call the attention of the public to his conduct with regard to one of the most interesting objects in the affairs of this country.—I mean the payment of our public debts.

It is well known that Sir Robert Walpole first established the sinking fund, which had the appearance of a very public-spirited measure; but wise men foresaw, even at that time, the improper use to which it would probably be applied. The plan of the sinking fund was to levy more money yearly upon the people, than was necessary for answering the current service, and the interest of debts, and to apply that surplus to diminish the capital of the debts. The fund set apart for this

purpose

purpoſe has gradually increaſed, and is ſtill likely to increaſe; but as early as the year 1732, the ſyſtem was broke thro', and applied to other public ſervices: the encroachments thus begun have been continued, and have been at laſt carried to ſuch a height, that it now plainly appears, that this plan, ſo wiſely meant, has been attended with the worſt conſequences: for not only has the confidence in this fund induced the nation to launch out into the moſt enormous and unjuſtifiable expences during the laſt war, but it has alſo been the real ſource of that amazing increaſe of our peace eſtabliſhment, which threatens deſtruction to the liberties of this country, as well as to every branch of our national credit.

People in general are not informed, that the eſtabliſhment of this country, or in other words, the annual expence of our navy, army, and other ſervices, during the peace that ſucceeded the treaty of Aix la Chapelle, was much the ſame as it had been during the preceding peace; but the eſtabliſhment which took place immediately after the concluſion of the laſt peace, exceeded the expence of the former peace eſtabliſhments in near a million and an half; and as a great part of this fell upon the ſinking fund, the credit of all our ſtocks ſunk, and have never ſince revived: whereas after the preceding warall our funds continued above par, which enabled Mr. Pelham to make that great reduction of the intereſt of the national debt, which did him ſo much honour. The great articles of this additional expence ariſe, 1ſt, From the keeping up near double the number of regiments, and of officers. 2dly, From the army kept in North America, when a ſmall force properly arranged would have anſwered every uſeful purpoſe. 3dly, From the increaſe of the navy, and various other charges. The tendency, and I dare ſay the intention of every one of theſe additional charges was to increaſe the power of the crown, and to obtain an uncontroulable influence in both Houſes of Parliament. The additional number of officers plainly and directly tended to this. The American army afforded a pretence for various contracts, which are now actually enjoyed by Members of Parliament; and if the plan of taxing America had taken effect, an infinite number of new offices would have ſprung up to be enjoyed by Members of either Houſe, and executed by deputy. The increaſe of the navy, and the arrangement of the guard-ſhips, contributed alſo to the ſame end.

All theſe conſequences may be juſtly aſcribed to our poſſeſſion of a ſinking fund, for no Miniſter would have dared to propoſe new taxes to ſupport ſuch a ſyſtem of extravagance.

If

If these measures were bad, what shall we think of the stroke struck at the national credit by the present Minister? The public will hardly believe that the late dispute with the Court of Spain has afforded a pretence for increasing our enormous annual peace-expence about half a million, which is equivalent, in effect to the contracting in time of peace a fresh debt of seventeen millions. In short, the present Minister has incurred by this arrangement as much debt in one day as by his own account of the matter he will be able to pay off in ten years, supposing, what is highly improbable, that peace should continue so long. By this large addition to the peace establishment our annual expences now exceed the establishments during the two former periods of peace in no less a sum than two millions yearly.

The sinking fund now produces about two millions seven hundred thousand pounds yearly; every farthing of which ought, in justice to the public creditors, to be applied to extinguish the debts; but it appears that out of this large produce no more can this year be applied to the payment of debt than about nine hundred thousand pounds; the rest being eat up by our increased annual expences. No wonder that our stocks continue under par, when by an absurd and unnecessary increase of our expences the fund appropriated for extinguishing our debts is profusely lavished, and when we make a parade of paying off a million and a half this year, while at the same moment we in effect contract a debt of seventeen millions.

The good character or good disposition of the present Minister are of no consequence to the public, since he adopts and supports measures which are so evidently destructive.—Few people believe that these measures are his, but he is equally answerable for them as if they were his own. It is plain that either he, or those who direct him, have adopted the absurd idea, that a great and expensive peace establishment is necessary for this country, although the experience of France has shewn the destructive tendency of such maxims. Every body knows that the peace establishment of France has done more to ruin that great country than all the wars in which she has been engaged; and that she now begins to reduce her expences when we, by a strange fatality are hurrying on to increase ours. This idea of keeping up a constant great force is a common and vulgar prejudice, but unworthy to be adopted by a great statesman. It flatters indeed the vanity of a prince, and is constantly practised in despotic monarchies. We see upon the continent at this hour two great states endeavouring to vie with each other in time of peace in the number of the troops, and the greatness of their military establishments, struggling, as was well expressed by a great speaker, to

out

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out-flank each other in time of peace. But in a government like ours, it tends directly to despotism, which will draw after it, with other dreadful consequences, a further increase of unnecessary expences, new taxes, decline of trade, ruin of public credit, justice administered by successive Lord Mansfields, universal dejection and servility, and no chance of any change of misery, but the invasion and conquest of a foreign enemy.

I cannot conclude without doing justice to two persons, who in the course of the debate which succeeded the opening of the Budget, discovered great knowledge of our national affairs, and very just ideas concerning the erroneous system which has been of late adopted. The persons I refer to are Mr. Dowdeswell and Mr. Burke; the first of whom explained in a much clearer manner than I have done the shameful increase of our expence, and the depredations which have been made on the sinking fund. The other exposed, with the greatest perspicuity and eloquence, the absurdity of supposing that our safety against a time of war depends upon exhausting our resources in time of peace. Many other gentlemen threw great lights upon the subject; and I will venture to say that no day of a Budget ever afforded less matter of triumph to a Minister of this country.

A. Z.

To the PRINTER.

SIR,

WHEN the Minister's speech was published, I made those animadversions which the subject itself suggested. The merit Lord *North* assumed to himself when he opened the *Budget*, I plainly demonstrated was built upon so *weak* a foundation, that the rational part of mankind could never join in the ministerial plaudit.

According to the present system of finance, we are, it seems, at the expiration of *ten years*, to have saved *seventeen millions*, besides an addition of *seven hundred thousand pounds a year* added to our revenues. This calculation is founded upon the whimsical supposition of the continuance of peace for that term of years. If therefore, from the face of things at present, peace is not likely to continue so long, the Minister's scheme falls inevitably to the ground.

Mr. *Dowdeswell* hints at the *Family Compact*, and with great propriety urges *that* in proof of a speedy commencement of a war. I grant, from the conditions contained in *that* agreement, the

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the parties muſt and will avail themſelves of the firſt opportunity, which may enable them to throw off the maſk, and attack Great-Britain with ſucceſs. But I will go farther. I affirm, that in caſe ſuch inſtrument as the Family Compact had *never exiſted*, it ſtill would have been the *intereſt* of both the French and Spaniards to commence hoſtilities, whenever their finances were recruited, and their armament was upon a reſpectable footing.

The French have large poſſeſſions in *America*; they have many ſettlements in the *Eaſt Indies*; they have a ſhare in the *Newfoundland Fiſhery*. Now theſe are either *National Emoluments*, or they are *not*; if they *are*, is it not extremely natural that they ſhould aim at *increaſing* what muſt contribute to aggrandize the Houſe of Bourbon? Who that is in the leaſt degree acquainted with the policy of nations, but what muſt accede to this propoſition, that two *powerful* yet *rival* ſtates, whoſe views, whoſe plans and object are in a manner the ſame, will for ever be at variance? The moſt *pacifick* ſtate, to ſuch nations, is only a ſhort *ſuſpenſion of hoſtilities*. Apply therefore this reaſoning in all its variety of combined circumſtances, to England, France, and Spain. Take into conſideration America and the Eaſt Indies: view but with a rectitude of judgment the intereſts of our enemies, and to every man of ſenſe it will be evident, that the commencement of the millenium is full as likely to happen *to-morrow*, as that which the Miniſter calls *peace*, ſhould continue for the ſpace of ten years.

But granting even in *the face of probability*, that peace *ſhould* continue, the calculation made by the Miniſter is in many reſpects erroneous; how is it certain that we ſhall have ſaved ſeventeen millions? Who can foreſee that no emergencies may happen which will enhance our expences? Who can tell what unexpected demands may be made upon the treaſury? Is Lord North endowed with ſecond ſight? Hath he learnt that quality from the group of Highlanders with whom he converſes? Or can his boſom friend, Tom Bradſhaw, read the ſtars? However, the Miniſter forgets, that the time is haſtening, when *douceurs* upon *douceurs* will be wanting to keep him and his colleagues in office. The general election is a *certain* event, who can calculate with any exactneſs what ſums the *greedy hirelings* may require? Deſertions from the miniſterial ſtandard are no uncommon things, and it will require all the œconomy of the *King*, and dextrous management of the *Miniſter*, to ſecure a majority in the enſuing parliament, without *emptying the treaſury*.

But

But we can eaſily diſcern Lord North's meaning, when he talks of ſaving ſeventeen millions; he means it as a proclamation to keep his party in ſpirits, and the language of that part of his ſpeech ſhould run thus :—" This is to give notice to all Gentlemen who now are, or hereafter *hope* to be, in office, that *I* FREDERIC LORD NORTH intend to conduct matters ſo advantageouſly, that ſuch perſons as intend at the next general election to diſpoſe of themſelves, *ſouls* and *bodies*, together with their *wills* and *opinions*, ſhall be amply rewarded in proportion to the ſacrifices they ſhall make, for which purpoſe I am determined that *no inſult* from any foreign power, prince, or potentate, ſhall be *retaliated*, but that this nation ſhall *bear all things*, and *endure all things*, to remain in *peace*, in order to give *me* an opportunity of ſaving *ſeventeen millions* for the purpoſe of obliging my friends, and of this they may reſt aſſured, and act accordingly.

By his Majeſty's command,

NORTH.

A WHIG.

To the Public, and to the Subſcribers at the Chapter Coffee-Houſe *to reduce the Price of Proviſion in particular.*

GENTLEMEN,

YOUR laudable zeal in the attempt to mitigate the diſtreſſes of the people, reflects the higheſt honour on you, and commands the plaudit of a generous tribute to God and man for the bleſſing of affluence. The merit is compleat, by the judicious intimations in you advertiſement, that the opinion of every perſon will be well received by you : a circumſtance requiſite at this time, when the Houſe of Commons, in whom the redreſs of this grievance properly centers, are totally inattentive to it. Supported by the old maxim, that "among the multitude there is wiſdom," and prompted by a hearty deſire to promote the tranquility and proſperity of this country, I am led to tender my mite towards ſo ſalutary a work, although conſcious that the difficulties attending the adoption of language and plan to make it worthy of practical notice, are ſo many, as almoſt to exclude the moſt diſtant hope that it will anſwer any other end, than to direct the ſentiments of others on this important ſubject to different conſiderations. My taſk ſhall be at preſent chiefly in endeavouring to prove, that the high price of proviſions hath its riſe, progreſs, and ſupport from the laſcivious conſumption, weakneſs of the people, and police of the metropolis; from whence it will be evident, by removing thoſe cauſes ſo much of the effect ceaſes,

and ſo far its ſure deſtruction attends the exerciſe of humanity and prudence in this great magnet of the nation, whoſe riches uncontrouled are in profuſe circulation, and have brought us to the brink of beholding the kingdom involved in a ſcene of deſtruction, by extending avarice, oppreſſion, and famine.—The country being colonies ſolely dependant on the capital, fenced on all ſides by nature with reſtraints, the inhabitants are obliged (through the neceſſity of exiſtence) to comply with all reaſonable mandates from this their great mart; from whence it is plain, if the hand of cards is well played here, the leading game is your own, and they cannot play a trick but what you grant them.

To the misfortune of mankind, the maſter hand is now ſtrolling about the country, revelling in a few diſorderly hands. Bleſſed will be the man who brings it back by the preſent and ſucceeding generations. To canvaſs this matter a little further; what would the manufacturers do without the metropolis? What would the farmer's increaſe be to him without the conſumption of both? How could the farmer be enabled to pay double rent, were it not for the folly of the metropolis purchaſing his increaſe at double the value it hath yielded for ages paſt? How could the land-owner receive, or expect to receive that double rent he impoſes, (on the half of which his predeceſſors lived uſefully and contented) if he did not truſt to the inattention and luxurious folly of the metropolis, which he ſees to be wholly inattentive to the ſupport of the general plan on which a trading nation can exiſt; and ſordidly obſerving that the farmer's cunning over-reaches all policy, and government is determined to ſhare the plunder with them. Theſe relaxes in calculation in the metropolis (where the true equilibrium of the proſperity and happineſs of the people centers) are the cauſe of every evil we are oppreſſed with; for there are laws and powers inveſted in the magiſtracy of London, ſufficient to cruſh in their infancy every riſing inconvenience on manufactures and proviſion, (See Burn's Juſtice.) But admitting they are deficient, Government is at hand to ſtrengthen them. Then why make ſo many difficulties, when (by enforcing the united power) the remedy is ſo eaſily effected? But the magiſtrates of London, inſtead of diſcharging the duties of the office they ſolicit to fill, are wrangling with each other about their underſtandings and conduct. If they did their duty ſolidly and uſefully, the people would ſoon be generous in their opinion and applauſe. Erroneouſly choſen, they are weak, impatient, and miſerable, without clamour at their heels wherever they go.

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It is to the reproach of all government we behold the works of the Almighty in full perfection: the earth brings forth its fruits, the air its fowls, the sea its fishes, they are, have been, and will be, according to his accustomed goodness, the same to all generations. It is the base neglect and sordid machinations of man which interrupt their harmony, and frustrate his benevolent provision for all his creatures. We are blessed with no visitation of plague, pestilence, murrain, or war; the seasons are as they were wont to be, and some thousands of acres have lately been made arable, in which seed was never sown before; but to what purpose, if we suffer such abuse from rapacious men? What becomes of the corn, when it is a well known truth, that until these seven years last past, this country on an average, without that addition of land I last mentioned, exported grain to other nations, to near yearly the amount of a million and a half sterling? This was one principal source of our great riches, which is daily diminishing by the exportation of more than half a million annually in specie for the importation of the same commodity—Speak, ye departed six-and-thirties and seven-and-twenties which revelled in this land—A degenerate trade, not known in the memory of man, till within the above-mentioned period of time. This proves the fallacy of the opinion of many, that it is the increase of national wealth which hath raised the price of things. Add the two sums together of what used to be drawn hither, and is now sent out, and we shall find the amount fourteen millions, which we ought, according to former times, to have circulating more among us. A very necessary fund to bear a part of the amazing interest paid annually to foreigners on national debt—A debt increased, as it stands at this time, more than forty millions within the last sixteen years. I am further strengthened in my assertion of the decrease of wealth in this kingdom from my own knowledge, that we suffer every nation to advance the price of their commodities we trade with them for, which naturally drain us. Our exports are abundantly short of what they were so lately as ten years ago, both in quantity and produce. These circumstances evince riches not to be the cause of the high price of provision. Vanity and luxury are the principal engines which have banished the necessary knowledge of the value of money and things. Great part of the appearance of trade in this metropolis being carried on by persons wholly improper for any engagement therein, being devoid of every reality consonant thereto, who over-reach, under-sell, and buy promiscuously, as their artifice can devise, and necessities require—which they deem common to all.—These are a people, I apprehend, it very necessary to lay un-

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der the band of reſtraint for the public good, as they are luxurious conſumers and deſpoilers of inland and foreign imports, and of no uſe in export. They may juſtly be deemed vicious perſons, propagating many bad cuſtoms, travelling with an oſtentatious pocket, which ſets low cunning at work.—But as no law can well reſtrain them, it concerns the wealthy dealers, who ſettle and uphold them, to be more ſtrict; and to introduce the cuſtom, from time to time, at their option, to inſpect into the ſtate of their proceedings, which would cheque their uſeleſs indulgencies.—In the beginning it might be attended with ſome difficulties: let not that diſhearten; they cannot do without you, and unleſs they comply, muſt return to what they are better adapted to, ſervants; rents thereby will be more moderate, and a fairer opportunity given to perſons of merit and talents, that have been regularly trained in reality of trade to ſettle themſelves; whoſe diffidence (from a thorough knowledge of the propriety of conduct requiſite therein) makes an eſtabliſhment appear too hazardous to attempt among ſuch ſwarms of adventurers who fill the Gazette weekly with proofs of their folly and roguery. Example precedes reaſon and law. If the nobility, with their dignified dames, would make it faſhionable among them, to have but three or four diſhes at their table, the apes of grandeur would readily fall into it; and whatever mode of diet they eſtabliſhed for their ſervants, their imitators would preſcribe inferior for theirs. This circumſtance in a few months might be made ſurpriſingly to increaſe the general ſtock of proviſion, which is the principal thing required;—for clog but the farmer, &c. therewith, and you deſtroy all their cunning, and break the whole chain.—Money muſt be had to pay rent, taxes, wages, wear and tear of utenſils, cloathing, education of children, pocket indulgencies, with many other things, for all which ſtock muſt be bartered; beſides, if we continue to go on as of late years, what would be the conſequence if the Almighty in his diſpleaſure ſhould viſit us with diſtemper among the cattle, or dearth on our harveſt? both of which we are not ſtrangers to. Then ſhould we be too late convinced, that, like the graſshopper, our ſummer-ſong deſtroyed us in the winter. The preſent ſuperfluous conſumption approaches near to both in effect, though not proof of reality, as there are in Smithfield every market-day plenty of fat ſtock to kill, and of lean bought to fatten in the environs of London; but we ſee and feel it cauſes too great a demand and unnatural decreaſe, which breaks in upon ſtock to be reſerved for unforeſeen emergencies, and fairly to eſtabliſh what may be called with propriety

propriety, Plenty. It was common a few years back to eat of beaſts ſeven or eight years old, mutton five or ſix; you may now wear a pair of ſhoes out to partake of either—A juſt alarm; but the proſpect, with the means, we have before us, to all human foreſight. One twelvemonth's prudence and right management will re-eſtabliſh in ſafe and uſeful circulation. The ſupineneſs of the legiſlative power, as well as that of the wealthy, at this alarming criſis, is aſtoniſhing; but Government ſeems chiefly intent on the ſcramble for the loaves and fiſhes, notwithſtanding inſurrection ſtares them ſo boldly in the face, nor is it eaſy to acquit their humanity: It may be too ſevere to determine that they are intoxicated in degeneracy of vice and pleaſure. The army is a happy weapon in their hands. But view thoſe poor fellows at five-pence per day, (the eſtabliſhment of virtuous times) and think whether their ſinews would not revolt at what may be deemed their duty, to pull a trigger againſt a ſtarving fellow creature actually providing for them.—The cravings of nature muſt be ſupplied, and bodily ſtrength ſupported for uſeful purpoſes. It is a folly to talk of ſobriety and œconomy among the labouring body of people; they are born with the ſame paſſions as the rich, though not with the ſame means to cultivate and indulge them, which makes their enjoyments coarſer: there lays all the difference—Let them ſpend the little they get as they like, without your envy; they ſupport you nobly in voluptuouſneſs and folly, at the expence of their health and ſtrength, through every inclemency you ſhudder at. They may be conſidered as a pattern of virtuous fortitude, by paſſing through life embarraſſed with every difficulty and inconvenience; which the rich, when attacked with, by having diſſipated their wealth, rather than enliſt under their banners, frequently put an end to with a piſtol or halter. And whatever conſtruction a lazy or weak judgment may put on their morals, their number may juſtly alarm; for they are more than ſix million of the eight which are commonly commonly computed to compoſe the inhabitants of this iſle. Among them are the Militia, and many diſbanded ſoldiers; it is they who fight and win your battles, and you'll ſee further on, you make leaders for them.—Rouſe then, for it is granted there is virtue, humanity, and charity in uſeful quantity in this land, although governed by faſhion; then change but the faſhion, and they will flow in their pureſt ſtreams, and diffuſe the bounties of Heaven in their intended channels. As to ſervants grumbling, it requires no notice, as they cannot earn money to ſupport themſelves, and are the leaſt uſeful body to community of the human ſpecies: diſmiſs them and

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and pafs them down to labour, they will ſoon be humble enough. Attendants you cannot want, as there are many thouſands well-bred would gladly ſerve for their ſubſiſtence —to ſuch a height is diſtreſs arrived! Our reverend fathers teach with all true believers the heinouſneſs of the ſin of murder, and emphatically denounce damnation to the ſuicide; but both agree, that ſelf-preſervation is the firſt law of nature. Then, O ye rich! behold the havock you are making, and kindle not the wrath of the people, who are daily incenſed at the new inventions for luxury. See, here comes another troop, with their families of innocent victims for ſlaughter, compoſed of the inferior clergy, half-pay ſea and land officers, office clerks of various denominations, ſuperannuated penſioners, worn out in their country's ſervice, with thouſands of petty tradeſmen breaking daily, and hundreds of thouſands of different employs ſtarving, whoſe honeſt abilities cannot procure a ſubſiſtence; all owing to your luxury and bad example, which hath increaſed vice and profligacy, diminiſhed underſtanding, extended extortion on the neceſſaries of life, to double the price on which their ſalaries, penſions, profits, and arts, were calculated to—They will certainly teach you—the farmer, the grazier, the revelling, illiterate butcher, who pretends to account for that he knows nothing of, with the butter and cheeſe factor, and diabolical gardener, who prays for a failure of crop, that he may have leſs labour and more profit, and throws away his plenty to keep up the price, with every other thriving dependant on your vices—Arithmetic.—You may ſtart at this picture, but it is not exaggerated; and be thankful that pride hath given you time to change your ſyſtem; for it is pride only which hath hitherto reſtrained thouſands within the rules of ſociety, who are moſt capable to redreſs theſe growing impolitic proceedings, at the expence of their peace of mind, apparel, furniture, and every thing they can raiſe money on. But when all is gone, deſperation follows; for who can behold their wife and children expiring, when the proviſion made for the lady's lap-dog would preſerve them. If the Society think me in the leaſt capable to promote their endeavours, they need but hint it, as I am devoted to the good of mankind.

THINE AND MINE.

To

To the PRINTER.

SIR, *Gracechurch-ſtreet, April 27.*

SUFFER me, through the channel of your diffuſive publication, to recommend to the mature conſideration of the committee (for lowering the price of proviſions) and their conſtituents, of how much importance it may prove to inveſtigate the true cauſes of the late and preſent *high prices* thereof, in order that the large ſums raiſed with ſo benevolent and praiſe-worthy intention, may moſt effectually anſwer the end of affording relief to ſuch who moſt ſtand in need *thereof*; which I preſume ſhould be, and is, the aim and deſign of the moſt humane, charitable and beneficent of mankind. To proceed then, if we look back and examine hiſtory about 220 years ſince, in the reign of Henry VIII. proviſions were only about one eighth, or at moſt one ſixth part of the preſent prices; and the variation in the two next ſucceeding reigns does not appear to have been conſiderable; but in the reign of Queen Elizabeth, of glorious memory, great and manifold were the complaints of the people about the advanced prices and dearneſs of proviſions, inſomuch that then, as now, it came under the notice of parliament, &c. for redreſs.—And here let the reader pauſe and conſider, that it was during this period, and the proceeding and ſucceeding parts of that ever memorable reign, that the *navigation*, and therewith, the *trade* and *commerce* of this growing powerful nation was ſo remarkably extended at the expence and loſs of the before famous Hanſe Towns, who, previous to that æra, carried on nearly all the trade of Europe. It was alſo during this reign that the ſettling of America with plantations from Europe took place, and the mines of *Peru* and *Mexico* being diſcovered, and the riches thereof being extracted and tranſported to Europe, in return for the manufactures of this country, at once greatly extended our manufactures, and enriched the nation alſo, with gold and ſilver. The conſequence was inevitable: as ambition is a frequent concomitant of wealth, and oft the prompting cauſe, ſo is the prevalence of ambition and wealth too frequently the cauſe of luxury; and hence the advanced prices and dearneſs of proviſions, ſo heavily complained of in that reign. So alſo in the ſucceeding reigns, in which trade and commerce has flouriſhed to the enriching the nation; proviſions have conſtantly increaſed in value, as well as alſo the value of eſtates, which pretty generally will be found to bear ſome conſiderable analogy in proportion; and now to bring the con-

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conſideration of the ſame operating cauſe home to the preſent age, let us only look back to what was the caſe only twelve or fifteen years ago during the war, proviſions were then abundantly lower than at preſent; but as ſoon as peace was eſtabliſhed, great numbers of foreigners came over to ſee after their new eſtates, in our accumulated ſtocks or funds, which filled the town, &c. with multitudes of ſtrangers, and with the diſbanded officers, troops and ſailors, ſo concurred to fill the town, that proviſions were temporarily affected thereby, and rents much increaſed. But what has moſt contributed to the continuance and increaſe of the dearneſs of proviſions, and high rents, is the ſame ſort of cauſe which produced ſimilar effects in the reign before-mentioned, viz. increaſe of riches, either real or imaginary: for let it be conſidered that although our transferable ſtocks are, with few exceptions, what may be, not unfitly called, ideal or fictitious wealth, yet like a paper currency, while public credit remains inviolate, anſwers to the proprietors nearly the end of real ſubſtantial wealth, in regard of his capacity, to expend, or indulge in luxury, and in conſequence of about 70 millions of this newly created additional ideal wealth, attended with an increaſe of annual annuities and dividends, to the amount of more than two millions a year, ſo impowering the people (an allowance for foreigners holding in our funds excepted) to expend two millions in a year more than they could without it, in conſequence thereof, and of our many new acquired plantations and ſettlements in America, ſoon after the peace took place, proviſions and eſtates increaſed in value, and ſo continued; and became a few years after, viz. in the year 1766, further increaſed, by our very lucrative acquiſitions in the Eaſt Indies, which whatever miſconduct may have lately ariſen, did, for a time, cauſe an influx of riches, to the amount of near two millions a year more, much of which being laid out in purchaſing eſtates at ſuch prices as the Nabobs, &c. could get them at, with wealth eaſily acquired in haſte, and thus as haſtily laid out in purchaſes. This raiſed the value of lands, of courſe, the rents of lands, and, in conſequence of this, the farmer neceſſarily raiſing the price of his lean cattle, and the price of paſturage advancing with the lands and rents, the ox or ſheep, &c. muſt neceſſarily ſell for more than before, to make it anſwer to rear them; ſo is it all, or moſtly, thro' a concatenation of cauſes, found to be ariſing from the *increaſe of wealth*, real and imaginary; other more minute cauſes may, and do, co-operate, ſuch as incloſing commons, engroſſing farms, unneceſſary ſaleſmen, and carcaſe butchers,

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ers, &c. But I affirm, the principal cauſe is, the increaſe of *real* or *ideal wealth*, creating a capacity to expend larger ſums, and conſequently to indulge in luxury more than before; and if public credit was to fail generally, in reſpect of the ſtocks, (which Heaven avert, and I think will ſcarce happen, but from the woeful misfortune of an unſucceſsful war, and which I would willingly hope at a great diſtance) it would do much more towards making proviſions cheap again, than all the efforts now making, or that can otherwiſe be made; and therefore of two evils let us be content to acquieſce in the leaſt, ſaving always the neceſſary laudable endeavours to relieve the indigent, labouring, or manufacturing *poor*, who, I preſume, to be the *fitteſt objects* for the attention and benevolence of the praiſe-worthy Subſcribers and their Committee. *I would therefore recommend*, in lieu of an ineffectual attempt to lower the price of proviſions in general, which would be (if effectual) of advantage to the rich and poor indiſcriminately, that the proviſions, when purchaſed, may be given away, or ſold at *half price*, to ſuch poor manufacturing or labouring people who have *large families*, and who are the people who ſuffer moſt, and want moſt *relief* on account of the *dearneſs* of *proviſions*; and it ſhould be given in proportion to the numbers, infancy, and other incapacities of ſuch families, of which the maſter manufacturer and workmen will probably be found competent judges on proper enquiry; and thoſe poor, who, being in health, and having work, have *no* families, will not need help, ſince the price of proviſions will keep them to their work another day or two in the week, which they might otherwiſe ſpend at the alehouſe, &c. to the *prejudice* of the manufactures and their maſters, of their own health and morals.

AMOR PATRIÆ.

A Sketch of a Plan for making a General Proviſion for the Poor in England *and* Wales.

IN the firſt place every county ſhould have a workhouſe, where all beggars ſhould be compelled to reſide. Thoſe who are able to work ſhould be obliged to it, and thoſe who are not able ſhould be maintained in a decent manner, but none ſhould be allowed to beg in public on any conſideration whatever.—A commiſſioner for the poor ſhould be appointed for every county, and a ſteward or truſtee for every pariſh; a liſt of the poor of each pariſh ſhould be carefully taken at

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ſtated times, atteſted by the parſon, and regularly tranſmitted to the commiſſioner who ſhould reſide in the county town, which commiſſioner ſhould tranſmit an exact liſt at ſtated times, alſo of all the poor in his diſtrict, to the commiſſioner general, who ſhould reſide in London. To this perſon all the poors rates in England &c. ſhould be punctually remitted once a year or oftener; every houſekeeper who is unable to work ſhould have a weekly allowance of 2s. 6d. in the country; but if in London 3s. 6d. per week. The commiſſioner of every county ſhould draw on the commiſſioner general every month for his diſtrict, which he ſhould tranſmit to the ſtewards of the different pariſhes of the county where he reſides, to be diſtributed to the different claimants, as agreed upon. There are fifty-two counties in England and Wales, which I ſhall ſuppoſe contain 60,000 objects of charity, which is ſomething more than 1150 to each county; which on an average, at the rate of 3s. each perſon per week, amounts to 468,000l. per ann. and allowing 32,000l. for expences in building workhouſes and ſalaries to the ſuperintendants, which I ſhould imagine would be much more than ſufficient, according to this calculation the expence of maintaining the poor in England, and Wales, would amount exactly to 500,000l. It has been commonly ſuppoſed, that the money collected for the poor in England alone is at leaſt a million per ann. And after all it does not prevent a multitude of beggars, who ſwarm every where one goes, to the diſgrace of the police of this humane country. I know every ſcheme hitherto offered the public on this knotty ſubject has been greatly defective in point of merit, a ſubject that has baffled the pens of many eminent men: it is therefore perhaps preſumption in me to attempt it; but my love of humanity has notwithſtanding prevailed on me to lay this ſketch before the public, which I do with the more confidence, as I was the firſt who about eighteen months ago gave the hint for erecting a coal magazine, which Sir Charles Whitworth, with ſo much honour and advantage to himſelf, had the merit many months afterwards of bringing to a trial; nor am I altogether without hope, but this ſcheme may alſo meet with the approbation of ſome meritorious perſon, who might fall on ways and means of putting it in execution. But as my calculation reſpecting the number of the poor, &c. is altogether conjecture, all that I contend for, is the mode of proceeding in the management of them, by which method I am inclined to be of opinion, that the public would perhaps ſave little leſs than one half of what they pay at preſent towards ſupporting the poor.

Thus

Thus have I endeavoured to ſhew the outlines of a ſcheme of providing for the poor, where every objection I flatter myſelf is obviated, and every inconveniency removed, and if it were once ſet on foot, I ſhould not doubt of its giving univerſal ſatisfaction to all parties.

A Lover of Humanity.

The Caſe of the Inhabitants of the SAVOY.

THE caſe of the perſecuted and arbitrarily oppreſſed inhabitants of the Savoy, as ſtated in certain queries in the public papers, produces theſe ulterior remarks in a ſpirit of juſtice to them.

The original foundation of the Nullum Tempus tenet in the law was a moſt juſt one. The public conſtitutes an immortal body; and the crown lands being held appropriated to enable the Sovereign for the time being to ſerve his office of King for the benefit of the public, it was very conſequential that ſuch lands ſhould be unalienable. This tenure was ſtrictly feudal, id. eſt. a tenure of pay.

But in Charles the Second's time, when the feudal tenures were aboliſhed, and an ample proviſion ſupplementally made for the maintenance of the Royal office, the reſearch of crown property ſlackened, which in ſome inſtances had fallen into the hands of the actual poſſeſſors in the ſtile and manner of derelicts. The act of parliament however lately paſſed on occaſion of that iniquitous temporary attack on the Duke of Portland has helped to tranquilize ſeveral of the powerful and great againſt future moleſtation on the Nullum Tempus law. With what colour then of equity, of humanity, of regard for common decency, the poor inhabitants of the Savoy could be ſpecifically excepted, is left to the candid public to determine.

But in what a light of horrid and ſhameleſs oppreſſiveneſs will not this attack on the property of the poor houſholders of the Savoy appear, when it ſhall be known that while the crown lawyers affect to treat them as uſurpers, invaders, and wrongful poſſeſſors of the crown property in the premiſes, the miniſters and officers of the crown are themſelves manifeſtly guilty of that very uſurpation which they want to fix upon the houſholders in the Savoy.

Nothing is more certain than that the Duchy of Lancaſter is no more crown land than the Electorate of Hanover, notwithſtanding their concentering in the ſame perſon.* The tenures are eſſentially different; and both the law and the ſtate

conſider and treat them as ſuch. They are under different orders, regulation and government with great propriety, ſince the tenures of the crown and the duchy are in their nature abſolutely diſtinct objects. The one originally public property, the other accidentally private; and ſurely in quality of a ſubject title liable to all equality with that of other ſubjects of the realm in common; and the plea of preſcription is as valid againſt the Duke of Lancaſter, or againſt thoſe that pretend to hold from him or his bequeſt, as againſt any other peer or commoner of the kingdom. No ſtream riſes higher than its ſpring. A duchy cannot be a royalty, nor entitled to the prerogatives of the crown.

There is much more yet. There had been an hoſpital founded in the Savoy, of which the ſupport had ariſen from the revenues of the precinct. That hoſpital had ſuffered diſſolution by the neglect of the adminiſtrators or officers of the Chancery of the Duchy; and the ſervice due thereon being no longer performed, the premiſes, very likely through this neglect and dereliction which begot a kind of implicit forfeiture, remained unchallenged and unmoleſted in the hands of the innocent tenants of that time above fourſcore years ago, who at the worſt were guilty of no other wrong than keeping a poſſeſſion which nobody diſputed with them; and of which, what titles they had, or whether they had any other at all in actual poſſeſſion, the law refuſes to take any notice after a certain term of years that form the preſcription between ſubject and ſubject, between the preſent poſſeſſors of houſes in the Savoy, and the Duke of Lancaſter or his heirs.

It has been precedently ſaid that the Crown has been in this caſe guilty of the very uſurpation which it falſely reproaches to the houſholders of the Savoy. Nothing is more true: The barracks, the priſon, &c. are all illegal incroachments on the Duchy of Lancaſter; and now to give ſome colour of law to that incroachment, they want to obtain an act from their known majority in parliament for changing the names of the different tenures, and for giving the appellation of Crown Lands to premiſes that never belonged, unleſs by uſur-

* That ſuch diſtinctions of feudal tenure of land is no new doctrine, no temporarily imagined plea, will appear from this plain fact, that kings of France have, under lower titles in quality of vaſſals to their own ſubjects, done homage to them for certain lands. Different tenures conſtitute different rights. The King, as King holds from the people, as the Duke of Lancaſter from a private ſubject, and nothing more. Theſe rights are not to be confounded.

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uſurpation, to the Crown, and were moſt unqueſtionably originally part of the Duchy.

They have done more. They have compelled or received rents from ſome of the intimidated houſholders of the Savoy in the name of the Crown; which, as if they had been ſenſible of the illegality and indefenſibleneſs of the extortion, were preſumably never paid into the Exchequer, at leaſt its books ought not to have made entries of them, ſince the recovery of ſuch rents never belonged to it, at leaſt in the firſt inſtance.

In the mean while they have made themſelves ſo ſure of carrying their point of cruſhing the poor inhabitants of the Savoy by an iniquitous judgment, that their officers have been ſeen with their inſtruments of admeaſurement marking out their unhappy victims, which is no wonder in times that nor equity, nor honour, nor the laws, nor the due protection of parliament, can defend the ſubject againſt any violences of a power armed with the terrors of a dead majority, and of a fatal influence over ſuch numbers of the ſervile and corrupted.

To the PRINTER.

SIR,

THE papers have for a long time paſt been filled with diſputes concerning the laws of England as they now ſtand; ſome writers have aſſerted that they are very deficient, whilſt others have with equal poſitiveneſs affirmed, that they are the compleateſt body of laws that any country can produce. I have with great attention peruſed the letters of the advocates on both ſides of the queſtion, and though I muſt confeſs that a great deal of learning is in them, yet I think the authors of them have entirely miſtaken the queſtion, which in my opinion is not, whether the preſent laws are good or bad, but whether the miniſters who are to ſee that the laws are put in execution without prejudice or partiality, have ſenſe and courage to ſee that puniſhment is paſſed upon the guilty, without regard to the quality or importance of the criminal. It ſeldom or never happens that laws are bad in themſelves, but become ſo either through the wickedneſs or weakneſs of the governors of a nation: did *they* poſſeſs that good ſenſe and goodneſs of heart which the original law makers intended every man ſhould be maſter of who ſhould be ſet over a people to be their ruler, no laws exiſt of which they need complain. I ſhall therefore not enquire into the perfection or defect of our laws, but of our mini-

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miniſters. If matters go wrong in a ſtate, thoſe who have the management thereof muſt be to blame, and ought to be anſwerable for their bad conduct as the law of their country directs. Firſt, let us make it our buſineſs to learn whether the body of people at large are diſſatisfied: and if ſo, ſecondly, the cauſe of their uneaſineſs. That they are diſſatisfied, abundantly appears from the moſt ſolemn teſtimonies they have repeatedly made againſt the preſent rulers, in every mode that the laws would authorize; and ſo publickly have they complained and ſhewn their diſapprobation and reſentment of the injuries and inſults offered to them, that no perſon in the country can be a ſtranger to their abhorrence of the miniſters now in power. The cauſe therefore of their diſlike remains only to be conſidered. Indeed I have often been ſurprized at the narrowneſs of the reaſoning of thoſe men who aſcribed the ferments of the nation, which happened ſoon after the acceſſion of his preſent Majeſty, to Mr. Wilkes, as if it were poſſible for one man (and pray, reader, mark whom) to rouze the reſentment of a whole nation and its colonies. Ridiculous ſuppoſition! It is not in the power of ten thouſand Wilkes's to make England ungrateful or diſobedient, without ſufficient cauſe. We muſt not date the beginning of the nation's diſtruſt ſo far only as three or four years back, for it originated much earlier, within three months after the death of the late good old king. The people were ſatisfied and united till their old and faithful governors were diſcharged and inſulted, under whoſe able adminiſtration their armies were victorious abroad, and their liberties preſerved at home; in their ſtead, a ſet of ignorant ſycophants introduced, without ability to direct, or inclination to be honeſt. It were needleſs to mention what miniſters were diſmiſſed, or by whom they were ſucceeded; I mean only to warn my countrymen againſt the ſophiſtry of aſcribing the popular diſcontent to any defect in the laws, or to the influence of any one man, or of its being a blaze produced on a ſudden. The conduct of my countrymen has been grateful, ſenſible, and ſpirited; and I hope to ſee the vengeance of this nation burſt forth with irreſiſtible fury on the heads of thoſe wretches, whoſe helliſh cabals have loaded us with ſo much ignominy, and brought on us ſuch inſupportable misfortunes.

BRUTUS.

The

The Bill * for the better regulation of the East-India Company's Affairs being brought in by Sir George Colebrooke and Mr. Sullivan; and the Speaker having put the Question whether he ſhould leave the Chair, Mr. Cornewall ſaid,

I, Speaker,

HAVING all along diſapproved of the preſent bill, both on account of the matter, and the manner in which it was introduced, and having been lately appointed one of the ſelect committee for enquiring into the ſtate of the East-India Company, I cannot now help entering my proteſt againſt your leaving the chair. I have attended that committee more cloſely than moſt other gentlemen: and from what I can ſee the courſe of their enquiry will furniſh this houſe with very material lights. But then it will be impoſſible for them this ſeſſion to go through a twentieth part of the taſk impoſed upon them. Will you then, when it is impoſſible for you to come at nineteen parts in twenty of the neceſſary information, proceed to eſtabliſh a ſyſtem of permanent laws and regulations at Bengal? Conſult your journals; you will never be able to find a ſingle example of proceeding thus *ex parte*. Conſider that this act is not intended for a temporary expedient, but for a laſting, if not a perpetual charter. I do not mean to tell tales out of ſchool: but I will venture to promiſe that the report of the ſelect committee will contain matter very proper for your conſideration on this occaſion. Drop then the idea of paſſing an act, while a committee of your own houſe ſits deliberating upon the ſubject, and finds matter growing upon their hands to ſuch a degree, that it will be impoſſible for them to come to a final concluſion before the end of the next ſeſſion of parliament. This idea it was that induced them to propoſe to the houſe the erection of a court conſiſting of a few perſons for the ſpecial purpoſe of enquiring into the ſtate of East-India affairs, and of having a report ready for the houſe after the receſs. Since my plan did not take place, I beſeech you to wait the iſſue of your own. The preſent bill has not come into the houſe in the regular and uſual manner. We are not properly informed whether it does or does not come from the proprietors. If it does, why did they not apply by petition, and prove the allegations contained in it at your bar? We ſhould thus have ſomething firm and ſolid to graſp, not a mere ſhadow, which nobody will avow. We are going to redreſs grievances, whoſe exiſtence has not been aſcertained

* See a copy of this Bill in our laſt number.

certained in a judicial and parliamentary manner. Not a ſingle witneſs has been examined at your bar.

Had this plan been purſued, it would, I believe, have appeared, that the preſent complaints concerning the mal-adminiſtration of juſtice in Bengal, ariſe from the charter granted to the Company about twenty years ago. I am pretty well informed, that before that period there were few or no complaints, and few or no reaſons to complain, but ſuch as will happen in the beſt governed countries. The old charter was found to anſwer very well all the purpoſes of the ſettlement. Would it not be worth while, before we enter upon new regulations, to enquire whether the reſtoration of the old might not effect every good purpoſe intended by this new court of juſtice. For theſe and various other reaſons, which will naturally occur to every gentleman, and which for fear of exhauſting the patience of the Houſe I omit, I muſt, tho' I ſhould be ſingle in the motion, oppoſe your leaving the chair.

Mr. Townſend ſaid, that the honourable gentleman needed not to be afraid of being ſingle in ſupporting ſo reaſonable a propoſition; that not only for the reaſons already urged he muſt ſecond him, but likewiſe for this, that he had never heard any argument for proceeding in the affair without the lights expected from the committee, but one, to wit, that we might upon the general principles of reaſon and policy frame a ſyſtem of laws a priori for any country, and therefore for Bengal; that this doctrine appeared to him as abſurd as if any one ſhould inſiſt that, becauſe a taylor had a general idea of making a coat, he would be able to fit his particular perſon without having ſeen or ever meaſured him.

Richard Whitworth ſaid that, if this motion ſucceeded, fifteen millions of people would remain two years without any relief from the intolerable grievances, under which they now laboured; that therefore he was for going into the committee, and for rejecting what was improper, and amending what admitted of amendment; that though they had not taken exact meaſure of the people of Bengal, and therefore could not exactly fit them with coats, yet, as they were abſolutely naked, it was but charity to ſend them a few rags to cover their nakedneſs; that, if the honourable gentleman who introduced the ſtory of the taylor, were in their ſituation; that is, without any coat at all, he would be glad of a blanket or rug to cover him from the inclemency of the ſeaſons, from the rapacity of the Company's ſervants.

Upon a diviſion, Mr. Cornwall's motion miſcarried, and the Houſe went into the propoſed committee.

[*An Account of the Debate in our next.*]

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